

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
VOLUME II

LOCATION: Barstow College Gymnasium
Barstow, California

DATE AND TIME: Saturday, June 2, 2002
8 a.m. to 3 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR
CSR NO. 3710

JOB NO.: 59259JG

1 A P P E A R A N C E S

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4 MEMBERS PRESENT:

- 5 ILENE ANDERSON
WILLIAM A. BETTERLY
6 HOWARD J. BROWN
DENNIS CASEBIER
7 SHERI DAVIS
ROY DENNER
8 JERI FERGUSON
RON KEMPER (CHAIRPERSON)
9 WALLY LEIMGRUBER
JON McQUISTON
10 RANDY RISTER
PAUL SMITH
11

12 STAFF PRESENT:

- 13 LINDA HANSEN
TONY DANNA
14 GREG THOMSEN
MOLLY BRADY
15 JIM KENNA
ED LARUE
16 LARRY LAPRE
MIKE POOL
17 DORAN SANCHEZ
HECTOR VILLALOBOS
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1 Barstow, CA

Saturday, June 29, 2002

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P R O C E E D I N G S

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CHAIRMAN KEMPER: At this time I would like to
7 go on the record. And I know it's not on the agenda, but I
8 guess let's do the Pledge of Allegiance.

9

(Pledge of Allegiance recited.)

10

We are open for discussion for the time being
11 for the next meeting. And if it be the Council's pleasure,
12 maybe we could not only talk about that, but the rest of the
13 calendar for the rest of the year might be helpful.

14

MS. HANSEN: I just would like to suggest to
15 the Council that because of the timing of doing things like
16 Federal Register notices and the logistics of putting these
17 meetings together, I think the earliest time that you should
18 look at is about -- no sooner than 90 days in advance of
19 this date. It takes 60 days to get the paperwork done. And
20 that would give you an appropriate, then, timing for
21 notification to the public. So I would just suggest you
22 start with that as your earliest.

23

CHAIRMAN KEMPER: You are suggesting
24 September. Does anybody have conflicting dates from the --
25 let's say from the middle of September to the end of

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1 September?

2 MEMBER MC QUISTON: Are you looking at

3 September?

4 CHAIRMAN KEMPER: We are looking at the mid
5 part of September to the end of September.

6 MEMBER MC QUISTON: Any Friday and Saturday
7 in September?

8 MEMBER DENNER: I have a conflict. September
9 20 there is a huge off-road sand sport show in Costa Mesa
10 that you are all invited to.

11 CHAIRMAN KEMPER: Would September 27 and 28
12 be okay with everybody?

13 MEMBER SMITH: Okay.

14 MS. HANSEN: I would have a conflict if I
15 would be the one meeting with you.

16 CHAIRMAN KEMPER: Shame on you. Let's try
17 September 13 and 14. No objection for the 13th and 14th?

18 MEMBER LEIMGRUBER: That will be fine. Okay.

19 CHAIRMAN KEMPER: Let's get the dates set up,
20 and then we will discuss where we will have it. Okay. Not
21 hearing opposition to the 13th and 14th, we will set up the
22 next meeting for September 13th and 14th. And let's open
23 discussion for the location. And I will ask the District
24 Manager if they have any preferences.

25 MS. HANSEN: It was suggested last night we

1 have them at Needles for a while. But September is kind of
2 warm in Needles. I don't think that it really -- we can
3 accommodate you almost anywhere you want to go. You might
4 want to consider what your agenda items would be and where
5 that would work best.

6 CHAIRMAN KEMPER: Does it look like the West
7 Valley Plan is going to need to be continued to be the focus
8 of probably the next meeting? I'm asking the District
9 Manager.

10 MS. HANSEN: The Western Mojave or the
11 Western Valley?

12 CHAIRMAN KEMPER: The Mojave.

13 MEMBER SMITH: Maybe we should go to
14 Ridgecrest and have Jon Mc Quiston lead us to some historic
15 petroglyph sites.

16 MS. HANSEN: The Western Mojave will probably
17 be in writing of the draft at that point in time, so I'm not
18 sure what more they would be able to share with you other
19 than perhaps some information from scoping. But that would
20 be probably about it. It would not be much of an update at
21 that point.

22 MEMBER FERGUSON: They are not going to
23 release the draft until November, so we won't have anything
24 to discuss until after November when they release the draft.
25 We had talked yesterday about the wilderness. And you had

1 talked about getting ahold of Ms. Boxer's office and seeing
2 if they could come out and make a presentation. We may want
3 to focus where those wilderness areas are.

4 MR. DANNA: I might remind the Council also,
5 on your bin items to discuss, I think there are two items on
6 wilderness.

7 MS. HANSEN: If we are going to do that, we
8 could do that in Riverside. Most of the areas are around --
9 within the Barstow field office jurisdiction that we know
10 of. So I don't know that you want to come back here.

11 MEMBER ELLIS: I think it would be great to
12 take a field trip to one or two of the proposed wilderness
13 areas. Whenever we have a meeting, I think it's very
14 worthwhile to go and see some of those areas. And see what
15 access problems there might or might not be.

16 Most of these -- in fact all of them are
17 former WSA's or current WSA's, so BLM has considerable
18 information on them and ought to be able to give us a good
19 tour. It does mean perhaps we come back here. But --
20 unless there is another potent topic on the agenda that
21 might generate tours. One possibility, things are heating
22 up for Surprise Canyon. The Briggs Mine has an exploration
23 EA that people might be interested in. We could do a little
24 tour involving Panamint Valley. So that would link to
25 Ridgecrest. It's just what other people are interested in.

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1 But those are two possibilities.

2 CHAIRMAN KEMPER: Wally?

3 MEMBER LEIMGRUBER: Yes. Wally Leimgruber.

4 If we could consider Baker, there are some WSA areas there
5 that we could look at. It's kind of centrally located
6 travelwise, I guess, for a majority of us here. So if Baker
7 would work out with the group, that's up for discussion.

8 CHAIRMAN KEMPER: Anybody else?

9 MEMBER SMITH: Yes. I'm advised by some of
10 the rock hounding interests that there is heavy mineral
11 interest in the Cady Mountains potential resource area that
12 maybe we ought to look at before we formulate any opinions
13 on what should happen with the Wilderness Bill. What roads
14 go through there and what the access is and what might
15 happen if it was closed off in any way.

16 MEMBER MC QUISTON: Concur.

17 CHAIRMAN KEMPER: Is there a preference
18 whether we -- we have heard three places: Ridgecrest,
19 Barstow, Baker.

20 MEMBER SMITH: The restaurants are much
21 better in Barstow.

22 MR. BETTERLY: Not too bad in Ridgecrest. We
23 had a pretty good one there.

24 MEMBER FERGUSON: I think that we need to
25 visit the wilderness, but I don't really care whether it's

1 Baker or Barstow.

2 MEMBER ANDERSON: I also have an interest in
3 the wilderness, as well.

4 CHAIRMAN KEMPER: I think Barstow probably
5 has the easiest accommodations. I know every now and then I
6 get trapped and I have to stay in Baker and pay \$135 for a
7 room I wouldn't normally stay in. The accommodations are
8 not great in Baker. I don't know if -- going out towards
9 Neptune is probably going the wrong direction. That was
10 kind of a fun deal what we did out there. So if it's okay
11 with everybody, Barstow?

12 MEMBER FERGUSON: Is it okay with Barstow?

13 CHAIRMAN KEMPER: The District Manager also
14 suggested we might consider Prim, but are we going the other
15 way away from the wildernesses we want to visit? Prim is
16 fine with me.

17 MS. HANSEN: Can I defer to Mr. Reid up there
18 as the field manager. Tim, if we wanted to visit the areas
19 that we have mentioned, the WSAs, where would be the best
20 location to start from?

21 MR. REID: Well, with the construction on
22 I- 15, it might be easier to be in Barstow and work our way
23 out to the Cadys than from Prim coming back.

24 MS. HANSEN: Okay. Then let's stay with
25 Barstow.

1 MEMBER DENNER: Mr. Chairman, could I suggest
2 that maybe the BLM find a different hotel where the railroad
3 doesn't run through the middle of the lobby?

4 MR. BETTERLY: I had a pretty good sleep.

5 MS. HANSEN: That's part of the cultural
6 experience.

7 MEMBER DENNER: Okay. I'll buy in, then.

8 MEMBER ELLIS: Get a room on the other side.

9 MEMBER DENNER: I will bring my handhold.

10 MS. HANSEN: Okay. Well, I think we will
11 work on that, Roy, but I think there are other locations
12 probably here in Barstow.

13 CHAIRMAN KEMPER: There is a question from
14 the audience.

15 MR. HILLIER: Gerry Hillier, San Bernardino
16 County.

17 One of the things that I would add, as you are
18 contemplating dates and also locations -- and Baker probably
19 would be more convenient, but Barstow has motels. But one
20 of the things I would suggest that you consider is having
21 the field trip in the middle of the meeting. In other
22 words, have formal session, field trip, and then come back
23 and have formal session.

24 I have watched these trips for a number of
25 years. And it's amazing how many Council members develop

1 conflicts both before the meeting and after the meeting.
2 And will show up in large part for the meetings and skip the
3 field trips. But the logistics are very expensive for the
4 BLM for maybe five or six members. So I would very much
5 encourage you to have the field trip in the middle of the
6 meeting.

7 MEMBER DENNER: I would support that also. I
8 think -- I have learned that these field trips are very,
9 very valuable, and people always seem to find excuses not to
10 take them.

11 MEMBER ELLIS: I think it's really important
12 to do the field trips. On the other hand, these are
13 wilderness study areas. It takes a little while to get to.
14 So I'm not sure if we had a morning session and we only had
15 the afternoon to go out to the Cadys or Avawatz, it takes an
16 hour and a half probably to get there. And then we probably
17 would want a little time maybe to look at a couple of
18 different spots. So to me, it's probably an all-day thing.
19 And perhaps on some other proposed locations it could work.
20 But I think this one, we probably need a full day for the
21 tour. Maybe Doran or maybe Tim could comment on that.

22 MR. REID: Well, that is true. It's going to
23 take, like you said, about an hour and a half just to get to
24 the Cady WSA from Barstow. If we wanted to check out the
25 riparian restoration, for example, work our way up to the

1 Sodas or the Avawatz, it would take more than half a day to
2 get there and see anything.

3 MEMBER FERGUSON: I just think that as Desert
4 Council Advisory members, we should be committed, because
5 this is what we are dealing with. We should as our
6 responsibility go out and look at it.

7 CHAIRMAN KEMPER: If we were to consider
8 Baker once again for a location, it would make it easier on
9 traveling time. Is there anyplace to even meet in Baker?

10 MS. HANSEN: Yes.

11 MEMBER ELLIS: You have the Mad Greek and Bun
12 Boy, and there is also a Mexican restaurant, I believe, at
13 that corner there, too. So there is some variety.

14 CHAIRMAN KEMPER: I think you misunderstood
15 me. I didn't say "eat." I said "meet." In other words, a
16 place where the Council -- where the meeting could be held.

17 MS. HANSEN: Doran, maybe you can help us out
18 a little bit here because you are the one that works on
19 these logistics or Tim, because we need to have room for
20 also your public involvement here. I want to make sure that
21 we have a place in Baker that would be sufficient to do
22 that.

23 MR. REID: The only Community Center I'm
24 aware of in Baker is the Community Center, and it does seat
25 maybe 40 people.

1 MR. HILLIER: It will handle 60 or 70 people.

2 MEMBER BETTERLY: The Community Center --
3 that's the biggest place in town.

4 MR. HILLIER: But it will handle 60 or 70.

5 MR. BETTERLY: It's the old courthouse. I
6 don't know about that.

7 MEMBER ELLIS: Might it be an option to spend
8 the night Thursday at Baker and then have the meeting, come
9 back, and spend Saturday night -- or Friday night and have
10 the meeting in Barstow?

11 CHAIRMAN KEMPER: Would it work for everybody
12 to travel to Baker, have the field trip Friday, and then
13 come back to Barstow and have the meeting on Saturday? That
14 might be the best expenditure of our time.

15 MS. HANSEN: I also understand -- Doran has
16 told me that there are facilities in Baker, so if you want
17 to stay in Baker we could probably do that.

18 MEMBER ELLIS: Let's do that.

19 CHAIRMAN KEMPER: If it's okay with the
20 Council, let's take a look at what other options are
21 available to us and we will make that decision.

22 MS. BURNS: Isabella Burns.

23 We met in Zzyxx one year, and we met in
24 September, which is the wrong time to go to Zzyxx. But that
25 is a college consortium. They have a large meeting there,

1 and it's catered. You have to have a caterer to cater it.
2 Was anybody on the Council when we went in Zzyxx? We went
3 in September, and it's very hot in September. But if you
4 had your meeting a little later in the year, it could be
5 very beautiful out there a little bit later in October and
6 November.

7 And it is -- it's actually in the preserve
8 area, but it's right at the edge of it. Just out of Baker,
9 five miles south on Zzyxx Road there. And it's a great
10 place for meetings. I have meetings out there every year,
11 and many of the other people I think have been to Zzyxx for
12 meetings, too. And it's a little rustic. There are not
13 bathroom facilities in your room. There is an outside
14 shower and bathroom facility. It's college-owned, so it's
15 college dormitory rooms. And there are private rooms if you
16 have just one person in them. But it's a nice area to meet
17 in.

18 CHAIRMAN KEMPER: Does the train run by
19 there?

20 MS. BURNS: The train doesn't run by there.
21 And you might, on a very, very quiet day, hear a buzz from
22 the freeway. But you are five miles from the freeway and
23 you can see a few lights off in the distance. Occasionally
24 the sheriff comes out there during the week because he isn't
25 used to seeing lights down on Zzyxx because the lights are

1 on. They do not have electricity or phones in the area.
2 The electricity is done by wind generation and by sun, which
3 is an interesting thing to see the way it's operated. It's
4 operated for 20 years or so as a college consortium and as a
5 meeting place there. And it's really an interesting place
6 to see if you have never been there. That's another part of
7 the desert you might want to see.

8 CHAIRMAN KEMPER: It sounds like an
9 adventure. Does everybody agree with that?

10 MEMBER ELLIS: Well, I'm personally a little
11 bit heat-challenged when it gets real hot. There is no air
12 conditioning there. You are right down at 2,000 feet and in
13 September, it's potentially pretty warm. So think about
14 that.

15 MS. HANSEN: I guess I would also ask that
16 the Council -- that we not try to split this too much as far
17 as locations in terms of the logistics of setting up for
18 these meetings. It's easier for us if we can have them at
19 one location, both the meeting, and use that as a base to go
20 out for your field trips. I guess that takes us back to
21 either Baker or Barstow.

22 CHAIRMAN KEMPER: My only other question
23 would be to the rest of the Council, do we expect to have a
24 lot of people from the public at that meeting if we go to
25 Baker? We are kind of limited to it appears between 45 and

1 possibly 60 people.

2 Gerry.

3 MR. HILLIER: Yes, two things. One, besides
4 the Community Center in Baker, there is a high school there
5 that -- I have never been in the high school auditorium, but
6 I suspect it's larger. And for a Saturday meeting,
7 obviously it would be available without competing with
8 classes in the high school. And it's a gymnasium there
9 because I do know the kids do play basketball. So there is
10 another option besides the Community Center.

11 Second, I hadn't even thought of Zzyxx, but
12 Isabella is absolutely right. It is a good place for a
13 meeting, but I wouldn't recommend doing it in September
14 because the heat doesn't usually break until after October.

15 Just for the record, I do serve on the board
16 of directors for Zzyxx and would be happy to make contact if
17 at some future date the Council did wish to meet at Zzyxx.
18 I would be happy to facilitate that with the Cal State
19 University system.

20 CHAIRMAN KEMPER: Thank you, Gerry.

21 MEMBER ANDERSON: I think we should go to
22 Baker as long as the facilities are large enough to
23 accommodate us.

24 CHAIRMAN KEMPER: I am agreeable, as long as
25 Doran can find facilities, air-conditioned facilities large

1 enough for -- to have the meeting.

2 Is Baker okay for everybody, with Barstow as
3 an alternative? Okay.

4 Hearing no opposition, we will move forward
5 with setting up the meeting in September at Baker. And if
6 we can't find facilities, we will use Barstow as an
7 alternative.

8 Is it the Council's pleasure to go ahead and
9 set up a date for the meeting after September?

10 MEMBER FERGUSON: Yes.

11 CHAIRMAN KEMPER: And do we have a preference
12 on whether we do it in November or December?

13 MEMBER ELLIS: I would go for the first
14 weekend in December like we did last year. I'm pretty tied
15 up in October and November.

16 MEMBER ANDERSON: I actually think we did it
17 the second weekend in December.

18 MEMBER MC QUISTON: Wally, when is -- off the
19 record

20 (Discussion was held off the record.)

21 CHAIRMAN KEMPER: The first weekend in
22 December is the 6th and 7th; the second is the 13th and
23 14th.

24 MEMBER LEIMGRUBER: Probably better to have
25 it the second week in December because if we do have our

1 CSAC, it will be the first week of December. The second
2 week of December would work. And if nobody else has
3 objections -- well, I guess we get the dates down and then
4 we get the place.

5 CHAIRMAN KEMPER: Is the 13th and 14th
6 agreeable with everybody? Okay. Let's open up discussion
7 for where that meeting will be held.

8 Wally, you had an idea?

9 MEMBER LEIMGRUBER: In El Centro.

10 MEMBER DENNER: I support El Centro. That
11 would be a good time for everybody to see what the activity
12 in the Imperial Sand Dunes is really all about.

13 CHAIRMAN KEMPER: We should probably have the
14 draft of the WEMO at that time as well. Is that a
15 consideration?

16 MEMBER FERGUSON: Bill can drive down to El
17 Centro too.

18 CHAIRMAN KEMPER: I'm sorry. Bill can drive
19 down to El Centro too?

20 MEMBER BETTERLY: This Bill?

21 MEMBER FERGUSON: No, no, no. Bill Haigh.

22 MEMBER MC QUISTON: If it looks like the WEMO
23 is going to be the predominant subject, it probably would be
24 desirable to have it somewhere in the WEMO area.

25 MEMBER FERGUSON: We also have Surprise,

1 which should be in the throes of their thing, too, by then.

2 CHAIRMAN KEMPER: My concern is if WEMO is
3 going to be the topic, we have a lot of users right here in
4 this area. If we take them all the way to El Centro, we may
5 lose some of them. Any other thoughts?

6 MEMBER SMITH: I suspect that routes of
7 travel will be an important consideration. And being at the
8 scene of the routes is, I think, very valuable.

9 MEMBER FERGUSON: Can I formally request
10 Surprise be put on that agenda then? Well, for that
11 December meeting.

12 CHAIRMAN KEMPER: You are saying the December
13 meeting?

14 MEMBER FERGUSON: Yes.

15 MEMBER ANDERSON: Well, one of the other
16 things we have often considered in selecting a place is how
17 often it's been since we revisited certain areas. And it
18 has been awhile since we have been to Ridgecrest. We have
19 been to El Centro more recently than we have Ridgecrest, I
20 believe. And Ridgecrest might serve the purposes of looking
21 at the West Mojave issues as well as Surprise Canyon in
22 December.

23 CHAIRMAN KEMPER: Any opposition to
24 Ridgecrest? Okay.

25 MEMBER ANDERSON: If the Ridgecrest office

1 doesn't have any problems with that, as well.

2 MR. VILLALOBOS: Surprise and WEMO routes are
3 pretty far apart from each other. There might be a little
4 bit of a logistics problem.

5 CHAIRMAN KEMPER: Could you talk louder? I
6 know I'm having trouble.

7 MR. VILLALOBOS: Surprise and WEMO routes
8 destination areas are quite far apart from each other. One
9 is in Panamint Valley; the other routes you are probably
10 more interested in are in the Red Mountain Polygon, there is
11 a large distance between those two. We would probably
12 either have to split it or either do one or the other if we
13 are just going to do a one-day type of a situation.

14 Surprise will be out of WEMO, but the routes
15 in Red Mountain Polygon would be great to look at, too,
16 together with Rands. That would be a full day.

17 CHAIRMAN KEMPER: That would be great. We
18 don't want to get cut short.

19 MR. VILLALOBOS: And I was really thinking
20 not so much in the context of field trips, but for us to
21 discuss the issues and be able to take public input on those
22 two issues.

23 MEMBER FERGUSON: While I don't want to
24 downplay the Rands at all, we have been on so many tours to
25 the Rands. And I don't actually recreate there, but I know

1 that area like the back of my hand now. So I would -- the
2 route inventory needs to be looked at. We could also do the
3 Ridgecrest Polygon which is a lot closer to Panamint than
4 Red Mountain, which also has a lot of urban interface there,
5 which would probably be a good thing to look at.

6 MR. VILLALOBOS: There is still considerable
7 distance between Ridgecrest and the Polygon area. And
8 Surprise is going to take probably a day, if we were going
9 to go out there and take a look at it closely.

10 CHAIRMAN KEMPER: Are we suggesting that we
11 do a tour?

12 MEMBER FERGUSON: We normally do.

13 MR. VILLALOBOS: But as far as meeting there
14 at that time, it would be a great time to tour. We have
15 various options to work on. And I think the timing would be
16 perfect for WEMO, definitely.

17 MEMBER MC QUISTON: And for the reasons that
18 Ilene brought up, because of the opportunity for large
19 public involvement, I think it would be a good location.
20 The itinerary for the tour can be worked out, the details,
21 but I think because of the WEMO, where it will be in its
22 review process, I would like to support that idea of perhaps
23 doing it back in Ridgecrest.

24 MEMBER FERGUSON: We were discussing over
25 here about if we went to the Panamints, the other thing we

1 could deal with would be the Briggs Mine, even though they
2 would already be done with their final. We could see what
3 they were doing and impacts out there.

4 CHAIRMAN KEMPER: I think we can set up the
5 details of the tour as time goes on. We are falling a
6 little bit behind. If Ridgecrest is agreeable -- and I
7 believe it is.

8 MEMBER MC QUISTON: Ridgecrest is agreeable.

9 CHAIRMAN KEMPER: Let's go ahead and set up
10 our meeting in December in Ridgecrest.

11 Next item on the agenda --

12 MR. CASEBIER: Mr. Chairman. I would like to
13 make a little comment about the September meeting.

14 As I understand it, you will be working on an
15 agenda, but the subject largely would be the Boxer Bill.

16 In 1994, the door was pretty well slammed shut
17 on 7 and a half million acres of wilderness. Now it's being
18 opened a bit. Would this be time to revisit some of that
19 stuff that was made wilderness before? In other words, has
20 the door been opened a crack? And have we learned anything
21 in the last eight years that would make us want to do some
22 things differently? Is this an opportunity for that?

23 CHAIRMAN KEMPER: Yes.

24 MR. CASEBIER: That should be reflected in
25 the agenda.

1 CHAIRMAN KEMPER: Thank you.

2 MEMBER DENNER: Mr. Chairman?

3 CHAIRMAN KEMPER: Yes.

4 MEMBER DENNER: Also an agenda item for the
5 September meeting, we heard yesterday there are statistical
6 reports that will be finished on the status of the desert
7 tortoise. I would like to see that on the agenda, and I
8 would like to have the reports well in advance of the
9 meeting so we can review and discuss them with the biologist
10 that did that study.

11 Also, Mr. Pool has asked for a letter to back
12 up my offer yesterday when I said that I think I could get
13 the off-road groups to cough up some money to match what the
14 environmental people would put on the table to pay for a
15 continued scientific -- serious scientific study of that
16 desert tortoise. If the BLM doesn't have the money, then we
17 need to take it on our own shoulders to get it done. And
18 instead of spending our money on litigation, maybe we can
19 spend our money, both of us, on taking care of the desert
20 tortoise problem.

21 (Applause from the audience.)

22 CHAIRMAN KEMPER: Thank you.

23 MEMBER ELLIS: If we are having a wilderness
24 focus next time, then I think we should have the BLM
25 present, you know, kind of a review of wilderness values and

1 sort of where we are at with respect to what wilderness
2 means, and a wilderness management report with respect to
3 issues involved in managing current wilderness in the
4 desert.

5 And then given that background, we can
6 certainly discuss what Dennis is talking about as what is
7 the status of current wilderness with respect to both access
8 and whether it should be or not.

9 CHAIRMAN KEMPER: Thank you, Bob. Okay.
10 District Manager's report?

11 MS. HANSEN: Actually, I think your next
12 agenda item deals with the planning efforts.

13 And what we wanted to do for you this morning
14 is to sort of briefly bring you up to date on what the
15 status of these planning amendments are. We did go back and
16 brief the director on the NEMO and NECO plan, the Coachella
17 plan, a little bit on the upcoming Western Colorado plan.
18 She had already received a briefing on the Dunes plan
19 earlier, so we did not cover that one with her. But you
20 will also be getting an update on that today.

21 So without too much further discussion, I want
22 to let Dick Crowe, who is our project lead, start with
23 basically the NECO plan and what it is. The final
24 Environmental Impact Statement -- I guess I will share this
25 with you now-- for NECO has been sent to the printer. We

1 anticipated having it out in print available to the public
2 somewhere in the middle of July, the mid to third week in
3 July. And of course, you will also be notified when that
4 happens. And at that point, then, it will be open for
5 review of the final EIS and the amendment. So with that, I
6 guess, Dick, I will let you take it.

7 CHAIRMAN KEMPER: Dick, if I can get you to
8 keep your presentation to about 10 o'clock, if that's
9 possible?

10 MR. CROWE: I think we are about eight to ten
11 minutes each.

12 CHAIRMAN KEMPER: Okay.

13 MR. CROWE: The Northern and Eastern Colorado
14 Desert Coordinated Management Plan, or NECO for short -- can
15 everybody hear me? -- is in the low desert or the
16 southeastern part of the desert basically bounded by I-40 on
17 the north, Colorado River on the east, Imperial Sand Dunes
18 and Coachella Canal on the southwest, and a complicated line
19 through the middle of Joshua Tree National Park and Amboy
20 Road on the west.

21 We started this effort in 1994. The Council
22 heard -- has heard reviews of this plan, including last
23 December. And as Linda said, we have had a draft plan to
24 the public. It went out in February of last year. Public
25 comment period ended in November. That was an eight-month

1 comment period. And since then, we have been considering
2 all the comments, writing, rewriting, editing, making all
3 the changes necessary to take it from a draft to a final
4 impact statement, and that is at the printer now.

5 The primary issue involved in this plan, as
6 well as a couple of other plans, is the desert tortoise.
7 However, the scope of the plan is not limited to desert
8 tortoise recovery.

9 I just described the planning area boundaries
10 to you. It also includes considerable amount of BLM managed
11 land, the yellow, half of Joshua Tree National Park, all the
12 Chocolate Mountain area. The Colorado River aqueduct goes
13 through the middle of NECO and includes parts of San
14 Bernardino, Riverside, and Imperial counties.

15 I think I basically went through this. The
16 public comment or the public review of the final impact
17 statement will be a 30-day protest period as opposed to a
18 90-day review of the draft impact statement. With the
19 completion of the 30-day protest period and consideration of
20 protests, resolution of protests and so forth, we would
21 anticipate a record of decision in September. Basically,
22 this fall.

23 There were a few things I want to highlight
24 about NECO. The first one is, it absolutely wouldn't look
25 like what it does, either in terms of information, process,

1 plans, proposed decisions, were it not for the collaboration
2 that went into this plan. It included a lot of local,
3 state, federal, and county agencies, as well as interest
4 groups.

5 With that collaboration, there was a consensus
6 that this should have a strong basis in science, and that it
7 should as much as possible tackle any needed changes in
8 management for the ecosystem as a whole and not just be a
9 single species plan. And that we take a landscape approach
10 to the management and try to integrate management across
11 Federal lands, Park Service, BLM and Marine Corps, in this
12 case.

13 Public review I indicated was an eight-month
14 period already. We held a number of public meetings
15 throughout that period. We got about 1600 comments, about
16 1200 of which were form letters of about six different kinds
17 of form letters. Most of the comments were general, but we
18 did get some specific comments, particularly on routes of
19 travel.

20 To characterize the comments that we got from
21 the environmental side of the public, if you will, the
22 Desert Wildlife Management area for the tortoise, they liked
23 the size of them but they did not like the fact that some
24 critical habitat was excluded from the proposed plan. And
25 that some uses recommended that a recovery plan were going

1 to continue to be uses in DWMAs.

2 And on that point, we have basically not
3 changed the plan in going from the draft to the final. We
4 still have the same recommended uses that were of an issue,
5 and we still have the same boundary of the DWMAs.

6 On access, there was a general note that more
7 routes should be closed. And in the final impact statement,
8 out of about 200 comments on specific routes, about 80
9 percent of those comments, the resolution of those comments
10 went toward either retaining routes open that were proposed
11 open, or changing routes that were proposed closed to
12 proposed open.

13 Another large body of comments were on the
14 wildlife drinkers proposed for south of I-10 for bighorn
15 sheep and deer. Generally, there were too many. About 137
16 are proposed, 25 -- 24, 24 of which were in wilderness.
17 They didn't like the number. Did not like any of them in
18 the wilderness.

19 And our resolution of that is not to change
20 the number or array, but for those in wilderness to allow
21 some at this point in time and allow the construction of
22 others later on if the monitoring and the science is still
23 compelling to build those additional drinkers in the
24 wilderness.

25 From the other side of the fence, if you will,

1 primarily from the off-highway vehicle community. I might
2 say we didn't get too many comments from utility spheres of
3 influence or mining. Off-highway vehicles, generally we
4 were closing too many roads as well as wash routes in the
5 proposed DWMAs. And in the two OHV open areas, Ford Dry
6 Lake and Rice Dunes, criticism of all three of those.

7 The resolution of this in the final is to, as
8 I indicated, we opened about a ratio of about 80 to 20.
9 Opened the closed where we get comments on specific routes.
10 We have not changed the proposal on the washes or the two
11 OHV open areas.

12 From the county point of view, Riverside
13 County provided no comments, but the county has been
14 historically supportive of this plan. And San Bernardino
15 County's and Imperial County's letters were primarily
16 similar -- for the most part similar, supportive of some
17 measures but were concerned, particularly on the matter of
18 land tenure adjustment, that is, acquiring private lands or
19 disposing of federal lands, there was a concern for
20 continued erosion of tax base.

21 A concern that whatever we do in the way of
22 routes of travel designations, that we wouldn't change the
23 process on the R.S. 2477 assertions. Did not support any
24 highway tortoise fencing on county roads, and there are no
25 proposed in the proposed plan. There were some in the other

1 alternatives, but those have not been carried forward in the
2 proposed plan. Opposed generally any further restrictions of
3 uses.

4 We basically didn't change proposals on those
5 matters. We continued to emphasize on land tenure
6 adjustment doing that by exchange rather than by fee
7 purchase. But it's somewhat out of BLM's control to say
8 just exactly to what extent that exchange might occur.

9 And we have assured in the final that the R.S.
10 2477 assertions process is not affected by a land use plan
11 decision. And I indicated no tortoise fencing on highways.

12 Now, let me go into a little bit what the
13 basic theme of this NECO plan is in terms of its
14 conservation emphasis. Because in emphasizing conservation,
15 we also need to take into consideration uses and to try to
16 maximize the one and not at the expense of the other. As I
17 say, we have two species, the tortoise and the Coachella
18 Milkvetch listed, and we have about 60 other species of
19 concern involved.

20 In coming up with conservation areas for these
21 species and habitats, first of all, we wanted to take
22 advantage of wilderness out there, which is these areas of
23 slash mines. You've got the wilderness; you should get
24 maximum consideration of that in conservation. That's kind
25 of a no-brainer, I think. As well as the Park and the

1 Marine Corp. Most of the Marine Corp was not intruded on at
2 all. It works very nicely for species and (unintelligible).

3 We then looked at the areas for tortoise
4 recovery, the Chuckwalla Bench and the Chemehuevi Valley
5 areas, and developed the design of the DWMAs, Desert
6 Wildlife Management Areas. The minimum recovery plan
7 recommended size for DWMAs is 1,000 square miles each. Or
8 640,000 acres. The two DWMAs are 870, roughly, and 820,000
9 acres for the Chemehuevi and Chuckwalla respectively. So
10 these are what I call oversized DWMAs.

11 In developing that oversized DWMA -- and
12 again, I want to emphasize the collaboration -- we got
13 consensus on this. To some extent, the larger the better
14 because it means that you don't have to be quite so
15 restrictive as if you had a smaller DWMA, that is,
16 restricted on uses.

17 We eliminated some areas of very, very low
18 tortoise concerns that are also high use value areas. Cadiz
19 Valley south of the aqueduct in the Vidal Junction area and
20 east of 78 in Imperial County. We tried as much as possible
21 to separate high use from high conservation. There is no
22 sense of having each one in the hair of the other.

23 And thirdly, we have these dark blue areas
24 that make up the remaining amount of lands for other
25 species, not tortoise, to bring them up to a level of

1 conservation protection that we feel is appropriate. And
2 that is 80 percent of the area of the occurrence of all
3 species is in some kind of conservation protection: That is,
4 wilderness, park, Marine Corp or these dark blue areas we
5 call wildlife management areas. We developed for other
6 species this whole approach primarily through modeling.

7 In drawing the desert wildlife management
8 areas, all the boundaries are roads or the boundary is
9 buried deep inside wilderness or park or whatever where the
10 boundary line doesn't matter. On BLM lands we have a road,
11 so it's very identifiable and manageable. As I say we
12 indicated some critical habitat, but we still have DWMA's
13 that are about half again as large as the recovery plan
14 recommended.

15 The major kinds of prescriptions inside these
16 DWMA's, to some extent they are developed to be consistent
17 among DWMA's throughout the desert. We have incorporated the
18 standard kinds of mitigation measures we have been applying
19 to the tortoise for the last 10-plus years. On compensation
20 for disturbance, we had a sliding scale before. We have
21 simplified it to a five-to-one ratio. That may up expenses
22 a little bit for mining and utilities.

23 We have probably the main feature is this
24 1 percent surface disturbance limit. And that is we would
25 try to keep the amount of new disturbance -- and that's on

1 federal lands only, not private -- to no more than 1 percent
2 of the fraction of the federal lands part of the DWMA. That
3 would be adjusted for restoration over the years.

4 We would install tortoise fencing along the
5 major freeways and part of Highway 95. There would be no
6 particular use restriction beyond that. No withdrawal from
7 mining, utilities, whatever.

8 On the matter of -- there is one other kind of
9 management area, and that's for bighorn sheep. And for
10 that, these shaded areas which are on top of wilderness and
11 in the Park and in the Marine Corps provide conductivity for
12 all the herds throughout the NECO planning area. And we
13 have some proscription for sheep, including the waters that
14 I mentioned earlier. But otherwise, it's pretty much
15 standard measures for managing sheep.

16 On livestock grazing, we have two cattle
17 leases up here and two sheep leases down here. In the draft
18 plan as well as in the final plan, the forage would be
19 reallocated on two of these leases, the Chemehuevi lease,
20 which is ephemeral, and the Ford Dry Lake lease, which is
21 also ephemeral. And the reason for that is to give a
22 general allocation of ephemeral forage in the case of
23 tortoise -- to the tortoise and other ecosystem elements.

24 In the case of the sheep down here, this
25 grazing lease is too close to native sheep. We have a

1 standard federal across the United States of nine miles'
2 separation, and this one is too close.

3 The Lazy Daisy lease and part of -- most of
4 the Rice Valley lease would continue to be authorized
5 according to other prescriptions in the plan. There is --
6 probably the major prescription for the Lazy Daisy on this
7 one would be in times of low forage use or availability
8 inside the DWMA, cattle would have to go off the DWMA part
9 of the grazing lease and go onto other parts of the lease or
10 come off public lands entirely.

11 On routes of travel, this map basically shows
12 the inventory that we did. We developed what we like to
13 think is 100 percent inventory routes. The green lines are
14 the routes that would remain open. The blue lines -- and
15 there are some in the scat mine area, here, a few
16 concentrated here, a few in here, but they are scattered --
17 the blue lines would be closed. We developed some specific
18 species criteria to do this, as well as redundancy. And the
19 bottom line on this, about 5 percent of the roads would be
20 closed, 95 would remain open.

21 And going through this process, we have also
22 complemented work on the statewide discovery trail system so
23 that it's pretty much the same as what the NECO proposal is.

24 In some cases -- I want to emphasize, we
25 didn't blindly apply the criteria in all cases. Some routes

1 that are what we call primary access routes that are so
2 important, leaving them in place overruled any species
3 consideration. We also tried to give somewhat similar kind
4 of consideration where there was important access for
5 certain specific uses. Rock hounding -- we got a lot of
6 comments from rock hounders, and I think that when they read
7 the final plans, I think they will see their concerns are
8 accommodated on their behalf.

9 MR. DANNA: You have gone about 15 minutes
10 now.

11 MR. CROWE: The ratio here is more 95/5 now.
12 Some finetuning.

13 We are also proposing to close navigable
14 washes, some of them, and in the DWMAs only. With the
15 Desert Bill, about 45 percent of the area's washes were
16 already closed. That's wilderness, park, and Marine Corps.
17 What NECO adds for these dark areas adds an additional
18 10 percent. But I want to emphasize in the white areas,
19 other than wilderness out there or Marine Corps or park,
20 navigable washes will still remain open for use, which is
21 about 45 percent of the planning area.

22 The two small open areas, Rice, and Ford Dry
23 Lake, we propose to close and keep them closed. We have
24 said that the reasons are they are high value habitat for
25 species and low use on recreation -- basically no use in 20

1 years.

2 The anticipated cost in implementing NECO
3 include routes of travel designation, signing, mapping,
4 tortoise fencing, which Caltrans would suffer the burden of.
5 Various habitat protection measures for a variety of
6 species, some monitoring, some acquisitions and education.

7 In summary, this plan will amend the Desert
8 Plan for this part of the California Desert Conservation
9 Area. We feel it conserves species and habitats. It was
10 developed with the collaborative process. We tried to make
11 it as absolutely balanced as we can possibly make it. It
12 designates all the routes which we have been under the gun
13 to do for 20 years. And it should comply and streamline the
14 Endangered Species Act requirements.

15 I lied on how long I took, but I still beat 10
16 o'clock.

17 CHAIRMAN KEMPER: Okay.

18 MR. CROWE: Do you want to take comments now
19 or do you want to go through the whole slew of these?

20 CHAIRMAN KEMPER: Let's take comments, but
21 I'm going to ask the City Council people to remember that we
22 are running way over on time. Not the City Council but the
23 DAC.

24 MEMBER DENNER: If we have to steal time from
25 the other issues, I think this is really important, Ron,

1 because it's the first plan that will be implemented, and it
2 sets precedents for what is going to happen in the other
3 plans.

4 Dick, I presume you are aware that at our last
5 meeting this Council voted 10 to 2 to not close those open
6 OHV areas. As far as I'm concerned, the idea that one of
7 the excuses is lack of use is ridiculous. You might as well
8 take that off the board. I would expect that you have some
9 really good scientific studies to show that there are
10 endangered species in those areas that need to be protected.
11 Is that true?

12 MR. CROWE: No. The proposal was not based
13 on listed species or even candidates.

14 MEMBER DENNER: Second question: This
15 Council also voted 10 to 2 to include some form of
16 mitigation on user impacts resulting from the implementation
17 of the plan, just like we have -- you have a five-to-one
18 mitigation on impacts for the desert tortoise.

19 I don't even see a one-to-one impact
20 anywhere -- mitigation for impacts on users. Are we
21 ignoring that vote too? Excuse me. Not ignoring. I have
22 been corrected on that. The BLM does not ignore our input.
23 They take a look at it and decide not to implement it. And
24 here are two significant examples of easy things the BLM
25 could have done to let the user communities know that they

1 care about our viewpoint.

2 MR. CROWE: A couple of thoughts. One, we
3 are having to balance a lot of considerations in this
4 process, including law through the Endangered Species Act.

5 Secondly, some of the points I made I would
6 reiterate here. We did not include areas of current
7 critical habitat in the DWMAs, particularly east of 78 where
8 it's a very high recreation area in Imperial County for
9 hunting and dune bugging.

10 MEMBER DENNER: I'm sorry to interrupt. Time
11 is short. You are not answering my questions.

12 MR. CROWE: Well, I think that is a form of
13 consideration or mitigation, if you will.

14 Thirdly, I indicated on the specific route
15 comments on the draft plan, we went about 80/20 to change
16 our leave-open routes. So I think that indicates a
17 sensitive consideration.

18 MEMBER DENNER: I'm sorry, but I don't see
19 that. You know, this philosophy that we should be happy
20 because you are only taking away so much when you could have
21 taken away a lot more is not a win and it's not mitigation.
22 Now, all we see is close, close, close. And I'm telling
23 you, if the BLM is going to continue with this management by
24 closure, you haven't seen anything yet in terms of lawsuits.
25 We are not going to let this plan be implemented the way

1 it's written. I'm sorry.

2 (Applause from the audience.)

3 CHAIRMAN KEMPER: Comments or questions?

4 Jeri. Jon.

5 MEMBER MC QUISTON: Just two comments or
6 questions. I don't need an answer today because I don't
7 want to drag it out, but I would like a little, perhaps,
8 some sort of feedback.

9 One, there is reference made to planning
10 consistency throughout the region. And yesterday we talked
11 about in the WEMO, the 1 percent buildout. It applied to
12 both -- on private property and federal.

13 CHAIRMAN KEMPER: Not private.

14 MEMBER MC QUISTON: Not true? Okay. Did I
15 misunderstand? Okay. Then disregard that one. There is
16 consistency.

17 The other one was more when we were looking at
18 80/20 percent and the 80 percent for conservation and a part
19 of the plan is to be predictable for private land
20 development. I was curious why the ratio was five-to-one as
21 opposed to four-to-one if you are looking at 80/20 percent
22 ratio and there has to be some sort of relationship between
23 the compensation factor. Just a little bit of the
24 understanding how you landed on five-to-one versus
25 four-to-one. I don't need an answer now.

1 MR. CROWE: Well, it's one of several
2 measures that we feel where you land on the spectrum of
3 consideration for the tortoise. Five-to-one would provide
4 in terms of acquisition, private land back to the federal,
5 would provide more of a meaningful and a statement that we
6 feel is commensurate with managing an endangered species.

7 MEMBER MC QUISTON: I guess my question would
8 be one of equity.

9 MR. CROWE: That's DWMA's only. Outside it's
10 one-to-one.

11 MEMBER MC QUISTON: I didn't see that on your
12 briefing. So I'm sorry.

13 MEMBER LEIMGRUBER: Or --

14 MEMBER FERGUSON: Wally has a comment after I
15 do, if you look the other way.

16 I guess I'm very disappointed that the washes
17 didn't get taken a look at again. Because I know along the
18 Chuckwalla area, there are so many washes down there that
19 are being used currently. And we never, ever did get
20 accurate or sufficient maps to show which route system or
21 wash systems were going to be proposed closed or open. I
22 still have not seen that map. I was a cooperator on -- or
23 collaborator on the NECO plan. And I spent a lot of time
24 out in the field out there. And as far as the route
25 inventory goes and the route system goes, a percentage of

1 the routes that are being proposed closed are already
2 overgrown and not there anymore. They weren't there. We
3 could not find them.

4 So the route system -- and I'm pleased to see
5 that my comments were considered in reopening some of the
6 routes -- but the washes do concern me. At the time of the
7 NECO plan conception, the idea was we would have Chemehuevi
8 open area. And the trade-off would have been Rice and Ford
9 Dunes. That did not happen. And I have concerns that it's
10 ever going to happen in the future with the
11 environmentalists -- or I shouldn't say environmentalist
12 because I am one -- the anti-motorized people that feel we
13 should not be recreating in the Chemehuevi area. And it has
14 a lot of uses, like the Mecca Hills area, and both of those
15 would be ideal areas for an open area to replace Ford and
16 Dry Lake. And nothing of that has ever been considered.

17 And I strongly go along with what Roy says
18 about the mitigation portion. We are getting into tighter
19 and tighter places, and you all know when you keep closing
20 areas down, you are going to have more trespass, more issue
21 with lawlessness because you are squishing everybody into
22 too small areas.

23 CHAIRMAN KEMPER: Ilene. I'm sorry. I
24 thought you were saying for yourself.

25 MEMBER LEIMGRUBER: Wally Leimgruber.

1 Dick, we were talking about some of the
2 fencing -- you were talking about some of the fencing along
3 major highways. Is that going to be applicable to the rural
4 country roads, county-maintained roads in these regions?
5 Are we going to have fencing installed there?

6 MR. CROWE: The proposed plan, the one that's
7 in printing now, selects the alternative that fences would
8 fence only portions of I-40 and I-15 -- I'm sorry -- I-40
9 and I-10 and a portion of Highway 95 between Vidal Junction
10 and Needles. That's it.

11 MEMBER LEIMGRUBER: The follow-up questions.
12 Caltrans, we all know, is extremely short on projected
13 projects. And you had alluded to the fact that Caltrans was
14 going to pay for all of this fencing. Is that subsequently
15 going to impact their projects that they have planned to
16 build? Specifically in regions of Imperial County, Caltrans
17 has a huge amount of projects that we need to put in place,
18 and we know that some of the funding is not available.

19 MR. CROWE: The only way -- there is no way
20 getting around that it costs money. And it's expensive.
21 What we have allowed for is that it would be handled in the
22 normal O & M on segments of the highway over a period of
23 time. And we have indicated it could take as many as 20
24 years. But as they go through and resurface, reshoulder,
25 whatever, highways, they would take care of the fencing

1 along those segments and make it a wholistic approach that
2 way. That's probably -- if it's going to be done, that's
3 probably the best way to do it.

4 MEMBER LEIMGRUBER: Thank you.

5 CHAIRMAN KEMPER: Randy.

6 MEMBER RISTER: In reviewing the comments to
7 the NECO plan, as regards to wildlife and some other issues,
8 keep in mind that in the wilderness areas that were closed,
9 under the 1994 Wilderness Bill, that there was specific
10 language written into that bill that allows for the access
11 of State Fish and Game for the management of wildlife,
12 including the development of water sources.

13 Now, if we want to see the bighorn sheep die
14 off, the Colorado River is choked off. The Salton Sea, they
15 no longer go there. Some of their historic ranges, they
16 have been moved out of by excessive burros. They no longer
17 can compete with the burros. The Coachella Canal and other
18 aqueducts are being concrete-lined. They have become death
19 traps to these animals.

20 In the wilderness areas, because of the
21 minimum rule, conservation groups and volunteers that
22 historically have maintained tenajas and water sources for
23 safe access and egress of bighorn sheep and other wildlife
24 can no longer do that. So the wildlife are getting into the
25 tenajas and drowning and dying. These water sources are

1 vital and necessary if we are going to see the continued
2 population of these species.

3 And not just deer and bighorn sheep, but all
4 desert species, but all desert species that need water use
5 these water sources. Birds that migrate in in winter and
6 nest in the desert area use these water sources. So they
7 are vital if we are not going to have a whole new list of
8 endangered or threatened species out there or extinct
9 species. Water sources are needed.

10 To get to the water sources, access has to be
11 granted. Driving the washes under the BLM's past practices
12 has been allowed. And there is no evidence that I have seen
13 that clearly shows that driving these washes is detrimental
14 to the tortoise or any other species out there.

15 Conversely, I would say that the Chocolate
16 Mountain range has been closed since the '40s. The
17 Chuckwalla Bench area has been closed since the '70s to OHV
18 traffic and access. And yet thousands and thousands of dead
19 tortoise shells lie out there on the malapie areas and on
20 these benches, and they are not being run over, they are not
21 being shot, they are not being destroyed by human impacts.

22 You heard Ed LaRue say yesterday in the
23 Mojave, you have the URTD. In the Chuckwallas and the
24 Chocolates, you have the bone disease. And these tortoises
25 are dying from the bone disease and from stress of the

1 drought and from environmental concerns. And they are dying
2 by the thousands.

3 And yet vehicle traffic and vehicle access has
4 been denied, as I indicated, since the '40s. So to
5 continually say that closing areas and closing them out to
6 travel is going to bring back the tortoises is totally
7 false. It isn't going to happen by eliminating OHV use that
8 has already been eliminated for the last 60 to 70 years.
9 Eliminating water sources is just going to add to the
10 problem.

11 So in reviewing these comments -- I hope that
12 whoever is reviewing those takes that into consideration.
13 Look at past practices that have not caused any recovery.
14 And look at the development of water sources that is
15 perpetuating the continued survival of species out there,
16 and give those strong considerations in the comment review.

17 MEMBER DENNER: It's too late. The plan is
18 in print.

19 (Applause from the audience.)

20 MEMBER ANDERSON: Dick, our concern with the
21 drinkers was the lack of analysis of how that would affect
22 the vegetation, particularly localized around that drinker
23 and the specific drinker sites. Was that addressed at all
24 in the final EIS?

25 MR. CROWE: Most of the work that we did on

1 the document between the draft and the final was to greatly
2 improve the EIS part of the proposal -- of the effort. So
3 that, yes, that has been beefed up, more references,
4 citations that sort of thing.

5 MEMBER RISTER: If I could respond to that,
6 and I tried to clarify this in the December meeting with
7 DAC, but let me try and clarify one more time.

8 Specifically for bighorn sheep in wilderness
9 areas, that is their home range. Now the rams, being male,
10 they will roam during the ruts. But the female and the lamb
11 groups do not roam. They stay imprinted on the mountain
12 ranges and they stay imprinted on the tenajas and the water
13 sources. When those tenajas fill up with rocks and gravel
14 and conservation groups are not allowed to go in and
15 maintain those because of the minimum tool rule and the
16 nonaccess rule, those sheep basically will perish, as they
17 are in Anza Borrego and as they are in other areas where
18 access and maintenance of water is denied.

19 So if we want sheep or any other species of
20 wildlife to survive within these wilderness areas, either
21 maintenance to those existing tenajas has to be allowed or
22 water sources have to be built where they can stay in the
23 mountain range and find water.

24 Now, the impact of vegetation is maximized if
25 they have one water source and they are all trying to use

1 it. If you build multiple water sources and spread the
2 animals out, where the rains occur and water sources fill
3 up, that's where the vegetation recovers. And the animals
4 will go to that water source where there is green
5 vegetation, food, basically near those water sources.

6 Where rains do not occur -- and rains do hit
7 and miss in the desert -- where rains do not occur and those
8 water sources do not have water, the animals will leave and
9 go to one four or five miles away that they have imprinted
10 on also and use that water source.

11 So the historical data that is shown on ground
12 proofing out there shows that multiple water sources are
13 better than single water sources because they spread the
14 animals out and the animals can follow the rain patterns and
15 not impact the vegetation negatively.

16 CHAIRMAN KEMPER: Once again, we are running
17 short on time, but I am going to put on my livestock
18 producer's hat and make a small comment. And I will follow
19 it up with some written comments, Dick.

20 Dick, I'm real concerned and disappointed.
21 And I know that you spent a considerable amount of time on
22 the TRT. There was lots and lots of time spent. There was
23 a proposal submitted by livestock producers. It was
24 supported by a 10-2 vote by this Council that it be inserted
25 as an alternative in NEMO and NECO. And to my knowledge, it

1 has not been. And we would appreciate it if it was. It may
2 not be your preferred alternative, but there was a lot of
3 time spent. We would appreciate that it show up in the plan
4 as an alternative, and we expect it to.

5 MR. CROWE: Is this primarily concerning the
6 Shadow Valley? The Valley Wells lease? Because that's not
7 in NECO.

8 CHAIRMAN KEMPER: It is not? The
9 alternative wasn't Valley Well specific. It was all the
10 ranches in NEMO and NECO. And we can pull it out of the
11 minutes if, evidently, you have forgotten. But we will
12 provide it to you in a written document. Thank you.

13 MEMBER FERGUSON: Can I ask one more
14 question, please?

15 Out of the -- we heard a great presentation
16 yesterday on the West Mojave Plan, on all the transects that
17 have been done on the desert tortoise and the monitoring and
18 all that. And I would like to know what the NEMO -- how
19 many transects for the desert tortoise did the NEMO do and
20 how many count signs like they found on the West Mojave
21 Plan?

22 MR. CROWE: We didn't do any. We went with
23 the existing 1984 report.

24 MEMBER ELLIS: I did attend the first day of
25 the transect count that occurred this year in the

1 Chuckwalla Bench, and there certainly was counts done there,
2 and I don't know how many transects there were in that area.
3 But they covered all the areas, both NEMO, NECO, and the
4 WEMO areas in their scheduled transect work this year. I
5 guess that's the data that we are hoping to get later on
6 that Roy is talking about. And the first day, we did see
7 eight tortoises in the Chuckwalla Bench so there are
8 certainly some left there.

9 MR. THOMSEN: That's what I was going to
10 mention, Jeri. What Ed LaRue talked about yesterday on the
11 line distance sampling, that is the universal technique that
12 is being applied desertwide, including down in parts of the
13 NECO area.

14 MEMBER FERGUSON: I understand that, but we
15 also have maps that show where that was happening in the
16 West Mojave Plan. And we do not have that for the other
17 four plans or three plans. So I guess -- and closures and
18 things that are happening because of the desert tortoise.
19 And I get told time and time again that we don't go into
20 wilderness and do surveys because that's already protected.
21 And we are not doing transects in there. So here is a
22 wilderness area -- and correct me if I'm wrong -- outside
23 the step ladders where they have the huge Polia, which is
24 desert tortoise critical habitat, but we don't have any
25 transects or surveys done in that area, either, to even show

1 if the closure of the wilderness is even protecting the
2 species.

3 And again, I'm going to go back to what Randy
4 said. Here we have closures for years and years and years,
5 and we are still being -- the motorized access community is
6 still being dinged for the desert tortoise declining. And
7 yet there aren't any reports or proof of that.

8 CHAIRMAN KEMPER: Okay. Dick, can we move on
9 with the presentation? Thank you very much.

10 MR. KENNA: I'm Jim Kenna. I'm the field
11 manager in Palm Springs.

12 Before I launch into Coachella, and I don't
13 want to belabor the argument, but I do hope people will look
14 at what was done in the final relative to routes. Most of
15 the comments -- and I think Jeri, we were or tried very hard
16 to be very responsive and added routes and moved routes from
17 closed to open. And I hope people will take a look at that.
18 Look at the fact that there is over -- a route network of
19 over 5,000 miles in the desert. And we did try to look at
20 things. And I do think we --

21 MEMBER DENNER: The net result is still a
22 reduction in routes.

23 MR. KENNA: I don't mean to argue with you.
24 I hope people will take a look at that. And Jeri, I hope
25 you will remember our trip out to Rice Dunes and the

1 conclusions we made on-site with you and Ed. My purpose
2 really is to talk --

3 MEMBER FERGUSON: It wasn't me by myself.

4 CHAIRMAN KEMPER: If I can take just a
5 minute. Let's allow the District Manager to give his
6 presentation. We will have an opportunity for comments and
7 questions, but I will believe it will go a lot more orderly
8 and a lot quicker if we allow him to give his presentations
9 and then make comments or ask questions.

10 MR. KENNA: I will focus mostly on Coachella
11 Valley. You got a little bit of sense of the types of
12 issues going on in the Coachella Valley when I did my field
13 manager report yesterday.

14 It's a different sort of area than most of the
15 desert. We were talking about that at dinner last night.
16 So hopefully, what I can do in the course of this briefing
17 is give you some sense of what the differences are and how
18 they are being addressed.

19 Here is kind of where we are going. The
20 briefing that we gave back in DC looked -- a pretty good
21 overview of land ownership because it's much more complex
22 than the rest of the California desert. The planning area
23 itself, I will give you a little bit of context in setting
24 information, a factual review that should give you a
25 foundation. And some of this will be a repeat for those of

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1 you who were at the meeting in Desert Hot Springs when we
2 went over this before. But I think for others it will be
3 very important foundation material.

4 And a little bit look at the schedule. Talk
5 about the partnership and the way things were developed in
6 this way. They are similar in some respects to what you
7 heard for West Mojave, although in some ways I would say
8 even more so. We spent almost -- although not formally, we
9 spent almost six years in a quasi-scoping type of framework
10 with monthly meetings that were public, working side-by-side
11 with the cities and the county. And basically, we are all
12 working off of the same plan.

13 Public participation as a result was also very
14 intensive. We will give a brief overview of some of the
15 major issues and decisions and talk a little bit about what
16 the cost and implementation looks like.

17 Just for context, we are involved in six
18 habitat conservation planning processes in Palm Springs and
19 South Coast. Most of them are on the South Coast side, so I
20 won't spend a lot of time with you folks on those. But in
21 general, they always involve a relationship with local
22 governments where we are trying to jointly develop a cross-
23 jurisdictional plan to make sure the decisions work. We
24 have two in San Diego County. One in Western Riverside
25 County. And this is a Coachella Valley Plan. We also have

1 one in a small area in San Bernardino County.

2 A little bit about land ownership. The color
3 you see here, this is the BLM land. This is Joshua Tree
4 National Park. This is San Bernardino National Forest.
5 There are state lands, the blue color right here, blue color
6 here, blue color here. What I also pointed out back in DC
7 is not only do you see -- you might assume that everything
8 that is state is under a single jurisdiction, and it's not.

9 We have State Parks land. We have fish and --
10 land managed by Fish and Game. And we also have University
11 of Riverside research center that's in the planning area.
12 Similarly, this color, which is tribal, represents five
13 different tribes involved in the planning process.

14 The bottom line is -- and hopefully this
15 conveys it -- it's a very complex set of ownerships and
16 partnerships involved in this planning process. BLM is one
17 of those, and we are not in this by ourselves.

18 Here is some factual information that puts
19 things in context. First of all, if you look at the total
20 county, this is the acreage. But if you look at the plan
21 acreage across the way, and the plan itself is a little over
22 a quarter of the total county. You make a similar
23 comparison, population at the county level, if you look at
24 Coachella Valley. It's 318,000 now; 20-year projection is
25 600,000. Population growth rates from 1990 to 2000 are

1 about 38 percent. We've got nine cities involved. We are
2 looking to cover 31 species. And the concept behind this is
3 to make sure we are covering species that prospectively
4 might be listed. There are nine listed species in the
5 planning area, and then under the state law, we will be
6 covering 26 natural communities.

7 The ownerships, again, are broken down a
8 little bit here. This sort of reinforces, I think, what you
9 saw in the prior map. The reserve acreage that is being
10 discussed most intensively is really about the 100,000 or
11 200,000 acres in the valley floor where the development
12 pressures are the most intense.

13 If you look at it purely from a BLM
14 standpoint, the public land acres that BLM brings to this
15 planning process is 283,000 out of the 1.2 million. The BLM
16 planning area is slightly larger, simply because of some
17 things we needed to pick up in terms of the California
18 Desert Conservation Area that aren't strictly in the valley.
19 Example would be the remainder of Whitewater ACED and the
20 allotment.

21 Urban interface is a big deal for us. We are
22 affected not just by the growth that's going on right there
23 in the valley, but we have a lot of people, as you know,
24 that come to the Coachella Valley for tourism purposes. We
25 have a high volume of folks. And we live right next door,

1 just over the hill, to 24 million people.

2 The agreement to do joint planning, which was
3 the BLM commitment to work directly with the cities and
4 county was initiated in 1996, which started the monthly
5 meetings that have all been public. All of the interim
6 products have been public drafts and aired at those
7 meetings. So it's been a very, very open process.

8 The lead agency in the process has been
9 Coachella Valley Association of Governments. And in my
10 mind, they have done a masterful job. If you look at it
11 from a BLM standpoint, the Coachella Valley historically has
12 always been an area with a high level of conservation
13 designation in the valley. Most recently the national
14 monument, which passed by law and actually was a locally
15 generated bill that came out of this planning process.
16 There are five ACECs, all of course within the valley, and
17 four wilderness areas. So if you take the total of the
18 existing special areas already within the valley, remember
19 that our total planning acreage is 283,000. The BLM's
20 existing and special areas are already 250,000,
21 approximately. The decision areas for other resources are
22 fairly narrow and limited.

23 This one, I think -- just wanted to talk a
24 little bit about the overlaps and relationships to other
25 plans. In this case, it's very complex. We are not the

1 only plan in town. Most obvious one people usually pick up
2 on is there is an ongoing National Monument planning
3 process, but there are several other processes which have to
4 be met that are also concurrently going on. There is a
5 State Parks planning process for the State Park at the top
6 of the tram, which is also part of this. The Aqua Caliente
7 band is doing their habitat conservation plan in their
8 consultations with Fish and Wildlife Services concurrently.

9 There is currently a number of planning
10 efforts going on around Salton Sea restoration down at this
11 end of the valley. We have to integrate with the Four
12 Forest Plan that's going on in Southern California.
13 Hopefully, this gives you some idea of some of the
14 complexity involved. We also have an overlap area with NECO
15 that runs basically from Dillon Road to the east.

16 Time frames and schedules: We are on a very
17 aggressive time frame. This is the one place where the
18 lawsuit has affected the plan. We have tried very, very
19 hard to make sure that the contents of the planning process,
20 particularly given the close relationships we have with
21 local government was not affected, but it did affect the
22 timing of the federal component of the process. We will
23 have to complete it by the end of the year. That's why you
24 see this very, very aggressive schedule. The plan is now
25 out in draft. It will be open to comment until September

1 the 5th.

2 Here are the scheduled public meetings.

3 July 22 is in Palm Desert, and there is a news release out
4 on the table if you want to -- you don't have to write these
5 down. You can pick them up. We are going to have public
6 meetings at all sites right in the middle of the valley to
7 start. Up at the Palm Springs end of the valley on Tuesday,
8 and on Thursday, we will be down at the IID board room down
9 at the very south end.

10 One of the things that I tried to emphasize in
11 our briefing back in DC is that there is an awful lot of the
12 history in this valley of involving problems together. We
13 were one of the first areas in the early eighties to address
14 a listed species issue and its direct effect on development
15 in the valley with the Coachella Valley fringe-toed lizard.
16 The local jurisdictions, in combination with the state and
17 federal agencies, hammered out a solution, which resulted in
18 the fringe-toed lizard reserve.

19 And that sort of set a pattern that is very
20 active in the valley. We have a joint sites act plan in the
21 mountains with Fish and Game. Then the National CV area
22 designation came along in 1990, which was secretarial. And
23 these are all pretty much grass roots efforts. And it's the
24 same set of jurisdictions and interests that work together
25 to solve problems.

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1 The other part of this that I also emphasized
2 is that there is a lot of capacity built in to do
3 implementation. There are a number of strong partnerships
4 that already exist. Tribal agreements are in place. We
5 have advisory and management committees, both Federal, the
6 National Monument, and a number of local ones as well.
7 Friends groups in place that help with the various things in
8 certain spots, and that we have a history of the doing
9 multi-jurisdictional acquisition projects.

10 The community objectives in terms of what
11 brought everybody to the table and has made this, I think, a
12 pretty good collaborative process in its execution is that
13 there is a desire on all parties, by all parties to make
14 sure that we have coordinated conservation and planning
15 decisions so what we decide on the Federal level makes sense
16 with the city it happens to apply to.

17 The second thing, everybody wants to walk away
18 with some certainty whether they are the conservation
19 community or the building community. And the third thing is
20 that we meet a Section 7 consultation. The cities and the
21 county meet the 10-A permit in order to streamline the
22 Endangered Species Act process.

23 This is just a summary, and I won't dwell on
24 it. The formal part of the process is down here, but this
25 process has been so long-running and so open with so many

1 local meetings and jurisdictions and everything from city
2 councils to the Association of Government meetings that I
3 think almost no one is surprised by the outcomes.

4 Here is the incentives and desired outcomes
5 that if you look at it from a general public standpoint, the
6 most common one is concern, one way or the other, about
7 quality of life, open space. There is a lot of ecotourism
8 in the valley already. And then looking at some of the
9 urban interface issues, one of the mayors is fond of saying
10 "We don't want Coachella Valley to be one of those places
11 that used to be a nice place to live," and with due respect
12 to a few folks here, I think he is referring to L.A.

13 Species conservation: These are some of the
14 high profile ones that are involved in the planning process.
15 And then there are certain land use things that have to be
16 addressed in order for the communities in the valley to
17 function.

18 So here are the major issues: There is a land
19 tenure issue. This has a couple of aspects. One is the
20 reserve assemblage, but the other aspect to it is cost.
21 Cost to the local jurisdictions, to the counties, to the
22 cities. And that's one reason why they were very adamant
23 about federal participation.

24 OHV-use areas, probably the driving and most
25 high-concern issue in this case. Species are part of it,

1 but PM-10 is a much, much larger part of it in the Coachella
2 Valley, given the current issues with EPA and highway
3 funding and so on.

4 Route designation: There is complete route
5 designation. It's pretty limited. There is not a lot of
6 route mileage that you can work with in the Coachella
7 Valley.

8 Trail management is probably the biggest
9 public issue. And then there is a series of permitted uses
10 that I will quickly run through.

11 All right. What you see here is just -- I
12 told you about all the areas that have existing protection
13 on them. The wilderness areas are the yellow. This is the
14 National Monument. These are the existing ACEC areas.
15 Chuckwalla Bench. This is the fringe-toed lizard reserve.

16 This one shows the route categories and the
17 OHV areas that were under consideration. As I indicated,
18 the options in Coachella Valley are very limited. This is
19 Windy Point up at this end of the valley. There is a small
20 area in Indio Hills. There is another one down here and
21 this would require withdrawal revocation because it's
22 currently under Bureau of Reclamation down at Iron
23 Door. And then Drop 31, which is a traditional use area
24 particularly on weekends, local use picnicking and
25 three-wheeler use in the washes, that sort of thing out of

1 the areas around north end of Salton Sea, plus there is some
2 destination OHV use, similar to Glamis, where it has
3 vehicles affiliated with camping.

4 MR. DANNA: Jim, you have gone over 15.

5 MR. KENNA: I will try and wrap this up.

6 These are the trail issues: It has mainly to
7 do with bighorn sheep. We work very closely with the hiking
8 and equestrian groups, as well as with the biologists. We
9 have hammered out a consensus alternative with the county
10 and cities.

11 One thing before we leave this. You can see
12 the development area on the photo. And remember, we are
13 318,000, and we are going to put almost double that in this
14 valley in the next 20 years.

15 This is a wild horse and burro site. It's
16 joint with the Agua Caliente band, and we are working on
17 reducing or eliminating the horses there. This is an
18 exchange area with the tribe. This is the Whitewater
19 allotment. It has been in rest for three years now,
20 although we have not seen a lot in the way of results given
21 the drought conditions and so on. It will continue in rest.
22 These are wind energy sites, and the wind energy will remain
23 more or less the same, and we will not have wind energy in
24 the National Monument, which is basically south of Highway
25 111.

1 This is sand and gravel. We currently have
2 production off of federal lands at about 600,000 tons a
3 year. We have about 33 million tons in reserve, so 30-year,
4 plus, of supplies. We also have private supplies coming on
5 line. Our judgment, given our options, is to build our
6 reserves system so that we have plenty of supply and we
7 won't be in the situation that L.A. and Orange County are
8 in.

9 Here is the annual implementation information
10 and just the general costs that we are looking at for the
11 federal side of the plan. Issue was raised previously about
12 what will that cost, and these are estimates of what that
13 generally will run.

14 So in summary, if you are going to remember a
15 few things, this is a multi-jurisdictional planning effort.
16 It's not just BLM. There is an exceptional level of
17 inclusiveness over a long period of time. There are a
18 number of high profile issues and areas involved in the
19 valley. And that we believe we can deliver both
20 conservation and infrastructure to support the cities and
21 their development needs over time. We are committed to
22 delivering the results that we agreed to with the cities and
23 county. And we have lawsuit issues, but we have tried to
24 limit the effect of that to the schedule. And we believe
25 that we have come up with a way to provide for everything

1 from sand and gravel and energy generation to recreation and
2 open space.

3 CHAIRMAN KEMPER: Before we start on
4 questions, I'm going to ask that the other managers that are
5 giving reports being prepared to stay within their time
6 limits.

7 MR. KENNA: My apologies.

8 MEMBER FERGUSON: First, all the presenters,
9 you guys are doing an excellent job with the Power Point.
10 It would be real helpful if we could have copies of that.

11 MR. SANCHEZ: I will get copies.

12 MEMBER FERGUSON: I haven't had a chance -- I
13 mean, I have glanced through the Coachella plan and I have a
14 lot of concerns. I understand the Windy Point closure on
15 not only -- regardless of the fringe-toed lizard issue, I
16 also understand that because it's a monument, that vehicle
17 travel has to stay on designated trails, which isn't going
18 to happen in the sandy area.

19 So that aside, you have displaced a lot of
20 people out of there and not given them a lot of places to
21 go. So what has happened now is there has been a lot of
22 intrusion throughout the private property and the Coachella
23 Valley preserve.

24 Now, I know that there is a lot of uses out at
25 Iron Door, and the preferred alternative is the closure out

1 there and also the closure in Indio Hills. I would like to
2 know how you propose -- and I understand Drop 31, but that's
3 also 45 miles south, almost. I'm going to assume it's close
4 to 45 miles east or whatever of where these traditional uses
5 are at. And how do you propose to get the local community
6 to start using Drop 31 as an OHV area?

7 MR. KENNA: I'm not sure that that is what
8 we are going to need to do. I don't think that Drop 31 will
9 address the motorcycle-out-the-back-door kind of user. It
10 doesn't see that. It currently is a camping area with
11 three-wheelers and four-wheelers in the wash. That's the
12 kind of use it's gotten for a long time, and I would
13 anticipate that that would continue.

14 I don't -- I agree with you that Windy Point
15 displaces some users. The primary user base there is out of
16 Orange County, has been, and one of our difficulties has
17 been it's largely Spanish-speaking. And so we tried to put
18 rangers out there that speak Spanish when we can. And we
19 are trying to work with the state on a new area. The area
20 that we are looking at right now is north of -- it's not
21 federal. There just aren't any options that will allow us
22 to meet the PM-10 air quality requirements that the valley
23 has to meet to get us highway funding for those interchanges
24 freed up and to meet the permitting requirements for Fish
25 and Wildlife Service for both the cities, county, and us.

1 I don't think there is anything there, to be
2 quite honest. But the options are very limited. Where most
3 of the use occurs right now -- as you indicated is
4 correct -- it's trespass use on private lands and also on
5 Indian land. And particularly around Iron Door is probably
6 where it's most concentrated. Those issues, while they
7 won't be BLM issues, I suspect that the local jurisdictions
8 will have to take a pretty hard look at those, given the
9 vacant or disturbed vacant lands requirements in the state
10 implementation plan in order to get the air quality stuff
11 addressed.

12 So it's a tough problem. There isn't going to
13 be an easy solution. You know, the cities, if you look at
14 it from their perspective, are also facing tremendous
15 pressures in terms of development and housing in order to --
16 where to put these people. The building industry feels like
17 they have taken the brunt of things thus far. That and the
18 agriculture industry. And they are basically saying that
19 particularly in terms of the air quality issue, they expect
20 the federal agencies to step up and start doing their part.
21 That message came through pretty loud and clear.

22 MEMBER FERGUSON: The OHV community has -- I
23 mean, it may not be an issue because it's on private
24 property or state land is where the people are ending up
25 going. But it is a direct impact from BLM closures. And

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1 the OHV community, I mean, we just supported a grant for
2 Cathedral City Police Department for -- I think it was -- I
3 don't remember what the dollar amount was.

4 MR. KENNA: \$15,000.

5 MEMBER FERGUSON: -- to pay for the indirect
6 impacts of BLM closures. And this is -- we need to find a
7 place for not only the out-of-town users that come into
8 Coachella Valley but the local users. We are going to keep
9 being penalized for illegal intrusions when we aren't
10 offering an OHV community or BLM for a place for these
11 people to go. And we need to seriously look at this,
12 whether it's acquisition at Iron Door or whatever. I don't
13 think Drop 31 is going to take care of the problem.

14 MR. KENNA: Iron door is going to be
15 particularly problematic because the air quality station
16 most over federal standards is the Indio station, which is
17 directly downwind from Iron Door. I think the cities are
18 going to have a serious problem at Iron Door, which is what
19 is causing the state and us to look further to the east
20 where we are not going to affect what is called in air
21 quality parlance "sensitive receptors." It's the people.
22 And I think the only option, realistic option, if you look
23 long term and if you look at the development windows for the
24 cities, the only realistic option is going to have to be
25 well east of Dillon Road and north of I-10, and that's why

1 we are looking there. I don't see physically where else it
2 could be in the Coachella Valley.

3 MEMBER FERGUSON: I have one more question.
4 The trail plan that you talked about up in the Santa Rosa
5 Mountains, how many miles is that?

6 THE WITNESS: I don't have the mileage
7 figures in my head. I'm sorry.

8 MEMBER FERGUSON: Off-hand guess?

9 MR. KENNA: Probably hundreds of miles of
10 trail.

11 CHAIRMAN KEMPER: Ilene.

12 MEMBER ANDERSON: This is one of the plans I
13 haven't been following very closely. How would I get ahold
14 of a copy of it, the draft?

15 MR. KENNA: I will leave mine with you, if
16 you like.

17 MEMBER ANDERSON: Thank you.

18 CHAIRMAN KEMPER: Roy.

19 MEMBER DENNER: I'm not going to waste the
20 Council's time by suggesting a motion that we include a
21 mitigation provision for other users in this plan based on
22 experience to date.

23 As a matter of information, 65 percent of this
24 1.2 million-acre valley is owned either by government
25 agencies or private conservation agencies. And it's set

1 aside for conservation purposes, as I understand it -- and
2 correct me if I'm wrong, Jim. And today, there is not a
3 single place in the entire Coachella Valley where a kid can
4 ride his dirt bike after school. And I just have to wonder
5 what those kids are doing with their time after school
6 instead of using up their energy on the side of a hill
7 somewhere.

8 And finally, I find it absolutely ludicrous
9 that major land management plans are being made based on 31
10 species that might some day be listed? I mean, that
11 certainly draws a real picture of where the BLM stands
12 relative to the environmental issue versus the public use
13 issue.

14 MR. KENNA: Well, two things. One, they are
15 still using their motorcycles. They haven't stopped, and
16 that is something we are trying to address, and we just
17 haven't figured out how. And I agree with you that that
18 needs to happen because what's happening now is we have got
19 private landowners and some of the others really up in arms.
20 And that's not fair either, to put them in that position.
21 So I agree with you. We are trying to work on it. The
22 state has agreed that it's an area that needs to be
23 addressed. We don't have agreement from State Parks yet,
24 but actually Fish and Game has taken the lead on that.

25 MEMBER DENNER: The closure of Windy Point

1 could have been delayed until the problem was solved. That
2 would have taken away a lot of the impact.

3 MEMBER FERGUSON: Yeah, but, Roy, that was
4 congressionally done by Mr. Clinton, so --

5 CHAIRPERSON KEMPER: One at a time, please.

6 MR. KENNA: I think Jeri's point is right.
7 For us to make a decision inconsistent with federal law is
8 probably not where we ought to go. But the other thing is
9 in terms of the species coverage list, it was actually
10 developed by CVAG. And it's those species that the cities
11 and county want to be covered for. And in that process,
12 they will get a section 10-A permit, which means that they
13 will be able to, with whatever survey requirements happen,
14 they will be able to issue building permits that cover those
15 species without going through consultation again with the
16 Fish and Wildlife Service. And that's the purpose from
17 their standpoint. It helps streamline their permitting
18 processes, and they see that as a positive. So if you can
19 understand it from the city and county's perspective, I
20 think it will make more sense.

21 CHAIRMAN KEMPER: Any other comments? Thank
22 you, Jim.

23 MR. KENNA: I also apologize. I'm going to
24 have to leave. One of my employees is getting married this
25 afternoon, and I told her I would be there.

1 MR. THOMSEN: I'm, once again, Greg Thomsen,
2 the El Centro field office manager.

3 MEMBER RISTER: Mr. Chairman, before we get
4 started, I have noticed in the last one, I can't see the
5 presentation, so if it's possible to stand to one side or
6 the other, that would be very helpful.

7 MR. THOMSEN: I do apologize up front I do
8 not have handouts for you, but Doran said he will provide
9 that for you.

10 The area that I will be talking about is the
11 Western Colorado, which is called WECO. Everything has to
12 have an acronym.

13 A little bit of a description of where the
14 areas are we are talking about. It's Imperial County to the
15 west of the Sand Dunes, so it's bordered on the south by
16 Mexico, on the west by San Diego County line, up north by
17 Riverside County line, partway up the Salton Sea. And you
18 can see it's bordered over here on the east by the sand
19 dunes.

20 The project we are talking about is a route of
21 travel designation process. The planning area, as far as
22 public land managed by BLM, it encompassed about 500,000
23 acres. We will be looking at analyzing both routes that
24 have been previously designated as well as the existing
25 routes that are out there.

1 A bit of background. There have been some
2 previous route designation processes, at least in parts of
3 this area. Most recent effort started in the mid-1990s.
4 Some of you were involved in that. You can see here in
5 1996, the office gathered new data. There were public
6 comments and public meetings. And the office prepared an
7 environmental assessment in 1997 and proposed route
8 designations at that point. However, it wasn't completed.
9 There was never a decision signed. So where we are now is
10 picking up partly from that effort that was not completed.

11 Some of the issues that we identified before
12 the scoping process started on this project -- and this is
13 from issues that we were aware of from past efforts and just
14 from being in the area. First one is the need for a viable
15 access network for recreation and other uses, access to
16 private lands, mines, or whatever. Also we need to amend
17 the California Desert Plan to address Endangered Species Act
18 issues.

19 One of the issues that we are aware of is the
20 flat-tailed horned lizard. In a couple of respects, back in
21 1997 there was an interagency conservation agreement
22 signed -- BLM, Fish and Wildlife Service, the state, the
23 military -- and this covered both Arizona and California.
24 It covered the range of this particular species. The intent
25 was to provide comprehensive management together and to try

1 and avoid the need for the flat-tailed horned lizard.

2 Based on this, the Fish and Wildlife Service
3 felt that they had reason to not list the species as
4 threatened at that point. One of the things that
5 conservation agreement did do was establish management
6 areas. And some of those management areas are in this
7 planning area. More recently, the Fish and Wildlife Service
8 lost under appeal in court, and they have been required to
9 now repropose the flat-tailed horned lizard as a threatened
10 species. And they have to the end of the calendar year to
11 make a decision on that. So based on a variety of factors,
12 the route designations that were proposed in 1997 are at
13 least partially outdated.

14 Another issue that we are dealing with is
15 initially bighorn sheep were listed as endangered. In the
16 last few years some critical habitat was designated by the
17 Fish and Wildlife Service. There isn't too much of it in
18 this planning area; however, it does encroach on the
19 planning area from the west down in the foothills on the
20 Hacumba Mountains and Coyotes.

21 Border activities: We talked somewhat
22 yesterday about some of the border activities going on. As
23 you know, Operation Gatekeeper, which really clamped down on
24 the border near San Diego, pushed a lot of smuggler and
25 emigrant traffic to the east and into Imperial County and

1 Arizona. So we have certainly seen an increase in off-route
2 driving from smugglers, from immigrants, and from Border
3 Patrol agents doing their job. So that and other factors
4 have led to some route proliferation in the western part of
5 this planning area. Not so much in the eastern part, but in
6 the western part.

7 This is just a picture of what part of the
8 area looks like. It's not very heavily vegetated. It's
9 pretty open.

10 Okay. Public participation started in this
11 process formally in March with an issuance of a Notice of
12 Intent to conduct scoping on an environmental assessment and
13 plan amendment. We held two public meetings, one in El
14 Centro and one in San Diego. Based on public comments, we
15 extended the comment period on the scoping until the end of
16 May.

17 Right now we are summarizing the public
18 comments and developing alternatives. Some of the comments
19 we received are specific to what's our route network. How
20 good is our mapping? Things like cultural resources, the
21 need for recreation access. One of the things we have heard
22 is some people feel we should be doing this as an EIS rather
23 than an environmental assessment. At this point, the
24 schedule -- this is also one of the items that has -- based
25 on the lawsuit settlement, has a date for completion. It's

1 identified. And based on that, we are looking at completing
2 an environmental assessment and a draft decision by late
3 summer. That would then go out for a 45-day public review
4 and comments. And we would look at issuing the final
5 decision next January. That's the way it stands at this
6 point.

7 I think, as we all know from experience, to
8 effectively implement a route travel or any other type of
9 planning, a big part of the planning is implementation. So
10 to do that effectively, we will feel we will need to do
11 extensive signing, education, monitoring of how it's
12 working, law enforcement. I talked a little bit yesterday
13 about how the sheriff is working with us on that, and then
14 of course, funding.

15 I'm just about done. Okay.

16 To summarize it, once again we are looking at
17 designated and viable access network for vital uses. We are
18 looking at protecting both natural and cultural resources.
19 We will be addressing Section 7 of the Endangered Species
20 Act in consultation with Fish and Wildlife Services. We
21 will be amending the California Desert Plan.

22 And this is just something that somebody
23 helped me put together that I wanted to throw in. We are
24 not waiting for this project to be completed to be doing
25 some of the on-the-ground work. We are increasing some of

1 our patrols and work in the area. This is a project where I
2 don't think we do much by ourselves anymore, but this is at
3 the base of the wilderness where the Border Patrol was
4 sensitive to some of the issues and impacts being created
5 there. They joined together with us and the Sierra Club and
6 the Desert Protective Council and the Student Conservation
7 Association and went out and raked out some routes that are
8 in the wilderness area. So certainly whatever we do on
9 this, we won't be doing by ourselves. We need a lot of
10 partners on it. And that's it.

11 CHAIRMAN KEMPER: Questions from Council or
12 comment?

13 MEMBER DENNER: For Council's information,
14 the OHV community has gotten together and hired our own
15 herpetologist. My organization is leading that project.
16 This herpetologist is going to summarize all of the past
17 studies on the flat-tailed horned lizard, put them together
18 in a logical scientific sequence so that we can have some
19 serious data to guide us, and also the courts, as to whether
20 or not this flat-tailed horned lizard should be listed. And
21 I would like to propose that we put that on our agenda for
22 our next meeting. And I will hopefully have the final
23 reports by then and be able to distribute them to the
24 Council members and discuss that issue.

25 CHAIRMAN KEMPER: I think that the final

1 report, that the Desert Advisory Council would be very much
2 interested in seeing that.

3 MR. THOMSEN: If you do that, you might also
4 want to get the Fish and Wildlife Service to participate.

5 CHAIRMAN KEMPER: Good idea. Thank you. Any
6 other comments or questions. Bob?

7 MEMBER ELLIS: I know there is a lots of
8 sensitive cultural sites in that area. And I'm just
9 wondering how -- well, it's too early. Enough input has
10 been given expressing concerns, and how you would manage to
11 enforce OHV usage in the same areas as the cultural sites.
12 I know that's a big problem down there.

13 MR. THOMSEN: It is. And fortunately, we
14 received a grant from the State of California, the first
15 hopefully, of two to inventory the sites in the Yujai area.

16 CHAIRMAN KEMPER: Randy.

17 MEMBER RISTER: As with the other plans that
18 were presented yesterday and today, again, vehicle access,
19 whether it's for OHV recreation or wildlife or whether it's
20 for Border Patrol or law enforcement, seems to be taking the
21 primary kick in the teeth. Or I should say, it's the
22 driving impetus behind the development of these plans.

23 But keep in mind that there have been over 90
24 deaths associated with illegal immigration last year
25 reported by the Border Patrol. We don't have a count this

1 year. That's just in Imperial County. If you look at the
2 50 in Yuma and 20-some-odd in San Diego County, these deaths
3 are occurring because thousands upon thousands of illegal
4 immigrants are trying to use these corridors, using the
5 Hacumba wilderness, which we indicated when it became
6 wilderness, would become a no-man's land between Mexico and
7 the United States for illegal immigration, smuggling, and
8 drug smuggling.

9 They have trashed the area with water
10 containers, tin cans, discarded clothing. So they have
11 actually taken a pristine area and degraded it much worse
12 since it's been a wilderness than before. It hampers Border
13 Patrol law enforcement from doing their job. But again, OHV
14 seems to keep getting blamed for the PM-10s that occur out
15 there, the air quality standards. And yet, anybody can just
16 look at a major dust storm and see that the PM-10 problems
17 created by nature are much more significant than those
18 created by the OHV communities.

19 The flat-tailed horned lizards studies do not
20 show OHV is killing them off. What you have out there is a
21 predator problem. The coyotes and loggerhead shrikes. I
22 have seen numerous occasions where shrikes will take and
23 impale flat-tail horned lizards on ocotillo cactus thorns
24 and come back to feed on them later. The loggerhead is also
25 protected, so you have one protected species preying on

1 another protected species.

2 But the major problem with the flat-tailed
3 horned lizard is the drought. They eat ants. When there is
4 no rain or there is no seeds from the vegetation production,
5 the flat-tailed horned lizards decline. But again, vehicle
6 access, whether for wildlife, recreation, or law
7 enforcement, it's something that we can point a finger at
8 and say, "They have to be the culprits." But we have got to
9 look at the bigger picture. If we want these species to
10 actually survive, we have to look at what is really causing
11 the decline and start addressing that.

12 (Applause from the audience.)

13 . CHAIRMAN KEMPER: Any more comments or
14 questions?

15 MEMBER FERGUSON: Basically, for all the
16 plans, not just yours, but yours kind of pulled it out, was
17 there was the Back Country Discovery Trail, and I hope you
18 seriously consider that being a part of this plan. We have
19 time and time again heard today how we need to have a
20 responsible route network, and this is not building any new
21 routes or trails. It's existing routes. All we would like
22 is a designation of the back County Discovery Trail like the
23 PC Trail has been granted. We would like the same, you
24 know, for you guys to recognize that trail the same.

25 MR. THOMSEN: That's a good point, and we do

1 intend to address Back Country Discovery Trail as well as
2 the DeAnza National Historic Trail, both of them, in this
3 process.

4 CHAIRMAN KEMPER: Any more questions or
5 comments from the Council? We will take a 10-minute break.

6 (Brief recess was taken.)

7 CHAIRMAN KEMPER: Back on the record.

8 Roxie, if you would proceed with your
9 presentation, I would appreciate it.

10 MS. TROST: Is this on? Okay.

11 My name is Roxie Trost. I'm the resource
12 chief for the El Centro field office, and I have been the
13 lead on the Imperial Sand Dunes Management Plan and EIS for
14 the past couple of years now.

15 I want to give the Council an update of where
16 we are in the process. And the highlighted areas on this
17 chart are the areas we are at now. We completed our Notice
18 of Intent. We have completed scoping and on March 28, we
19 released our draft EIS and draft management plan. We have
20 been in the public comment period on these draft documents
21 now until last Friday. It was a 90-day comment period, and
22 we have received approximately 9,000 comments on the draft
23 EIS.

24 Of those 9,000 comments, approximately 200
25 different points were made. We are still in the analysis

1 process. We, like I said, received comments up until
2 yesterday. And we have numerous comments that will trickle
3 in with yesterday's postmark on them.

4 This, too, is one of BLM's time-sensitive
5 plans. And we need to have a final EIS distributed to all
6 of you by the first week of August. So you can see that
7 doesn't give us a whole lot of time to go through the
8 process. After that's distributed, we hope to have a Record
9 of Decision and be able to implement the preferred
10 alternative in the EIS by October 1 of this year.

11 The draft EIS analyzed four different
12 alternatives: Alternative 1, which was no action and the
13 preclosure alternative. It more closely resembles the 1987
14 recreation area management plan. Alternative 2, which was
15 identified as the preferred alternative in the draft EIS.
16 And it was the recreation and resource alternative.
17 Alternative 3 was a resource protection alternative. And
18 Alternative 4 is the motorized.

19 The draft EIS divided the dunes into nine
20 different management areas. And it also used the recreation
21 opportunities spectrum assigned to one of those nine
22 management areas. The recreation opportunity spectrum is a
23 planning tool that's been used by federal agencies for over
24 25 years, not only to look at the use that is occurring
25 today, but the use that BLM, and from public scoping, would

1 like to manage for tomorrow.

2 One of these four spectrums were assigned to
3 those nine areas. Now, in the recreation opportunity
4 spectrum, there are two that aren't shown on this screen,
5 and that would be one that is just above rural, which is
6 called the urban class. And one just below the
7 semi-primitive nonmotorized, which is called primitive,
8 which is also a nonmotorized classification.

9 The rural classification includes campgrounds,
10 overlooks, more developed facilities. It also accepts more
11 intensified motorized uses, part of that ROS class. It was
12 identified specifically in the Gecko Management Area. And
13 also in the Dune Buggy Flats Management area, which you can
14 see in red on this map right here. It equals approximately
15 30,000 acres.

16 Roaded natural is one classification just
17 below the rural. And it has a little bit more natural-
18 appearing environment. Facilities are designed to
19 accommodate conventional motorized use, and typically, it's
20 not quite as crowded in this ROS class. As you can see by
21 the map, those areas identified were Glamis, Dune Buggy
22 Flats and the Ogilvy management areas.

23 Now, semi-primitive motorized is a class that
24 has been identified as a shortage in semi-primitive
25 motorized riding areas. And we looked at the Imperial Sand

1 Dunes, and based on our public scoping comments, we heard
2 that many people like to ride in the Mammoth Wash area. And
3 the reason they like to go there is because of the lack of
4 facilities. The road aren't improved, those type of things.
5 The areas are typically much more primitive, offering the
6 motorized experience. That's this area to the north. And
7 then also identified as semi-primitive is the adaptive
8 management area.

9 Semi-primitive nonmotorized is the other end
10 of the spectrum offered at the Imperial Sand Dunes,
11 according to the preferred alternative in the draft. And
12 this area is identified as the north Algodones Dunes
13 Wilderness, which as you see in the document is
14 approximately 27,000 acres.

15 Now, this table -- many of you have seen it
16 already. This table is a remake of the one that is in the
17 draft document. And it's a little bit simplified from that
18 in the draft document in that ROS was applied to each of
19 those management areas in trying to determine what visitor
20 supply is available. And we realized, going now from draft
21 to final, that we have some work to do in this area. But
22 this is the chart that was in the draft document. And the
23 bottom line here in red identified 55,403 as the projected
24 supply available of recreation camping facilities in the
25 Imperial Sand Dunes. And we worked on this prior to Easter

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1 weekend. And about Easter, that's how many visitors were
2 out at the Imperial Sand Dunes. So to give anybody an idea
3 that happened to be there, that would be corresponding with
4 that number for reaching capacity.

5 Now, also tied to that were triggers, what
6 happens when you reach your 55,000 capacity number.
7 Identified in the draft plan was if the number is reached
8 over 15 percent of the time, then surveys would be
9 conducted, things would be done to promote non-holiday
10 visitation. And evaluation of a reservation system,
11 differential fees and enhancement of the education program
12 would occur.

13 Now, if that was exceeded 20 percent of the
14 time or 49 days, or two consecutive years at the 15 percent
15 level, then it bumped to the next trigger. That trigger was
16 reservation for 50 percent of designated campsites, and to
17 limit the number of visitors. Under the current situation
18 for the Imperial Sand Dunes the 55,000 number is exceeded
19 approximately 22 days per year, which is 15 days less than
20 meeting the first trigger.

21 I want to talk on this slide a little bit
22 about the adaptive management area. That's the area here in
23 brown. It's approximately 34,000 acres. And that area was
24 developed with a diverse scientific team. And one of their
25 objectives for that area was to look at the endangered

1 species, but also to look at all species for the area. And
2 that's why it has this more of a northeast corridor to allow
3 migration for mule deer and other species in that area.

4 This area, the way that it's identified in the
5 preferred alternative, would require yearly monitoring.
6 It's adaptive in that the number of users could be increased
7 or decreased according to the prior year's monitoring.

8 Now, while we are on this slide, you have had
9 several questions, and I want to talk just briefly about
10 them. Here on the eastern side of the dunes, there is a
11 little bump-out. And that in previous years was never
12 included as part of the recreation area. We included it.
13 It was part of the closure of the lawsuit. And we know that
14 it's highly influenced by activities at the sand dunes. We
15 included that in our planning area, and with the preferred
16 alternative in the draft EIS, that area is open to camping.
17 It's clocked of where the highest use occurred in that
18 particular area. And it's incorporated within the
19 boundaries of the Imperial Sand Dunes recreation area.

20 Also, just real fast, the one-mile buffer
21 zone, I have had a lot of questions about that. That area
22 previously was never part of the sand dunes. It's also an
23 area that's influenced by activities at the sand dunes. And
24 the reason that that is included was to ensure that
25 activities that occur at the Imperial Sand Dunes remain

1 within those boundaries, rather than being disbursed into
2 more sensitive parts of the desert.

3 Some of the key actions of adaptive management
4 area is that it provides for access of up to 525 vehicles.
5 Now, that would be issued in groups of seven, which equals
6 75 permits. So that means that in one given day, if an
7 individual was to obtain one of the permits, that only 75
8 people would be available to access the area. If all groups
9 of seven used the permits, then up to 525 people could
10 access this area.

11 And we have had a lot of questions as to why
12 we do that. It was a lot of professional judgment looking
13 at some of the aerial photographs and identifying that most
14 people like to access this area in groups with their family
15 and friends. If they were only able to access a permit
16 individually, then they may not be able to go into this area
17 like they had in the past.

18 Another item is that the permit would be valid
19 for seven consecutive days. It would require the completion
20 of an environmental education program. That would be at one
21 of the ranger stations. And the goal is to be able to put
22 that program on the Internet. The permit would be valid
23 from sunrise to sunset. And again, that number is adaptive
24 based on the prior year's monitoring.

25 Another key component of the draft document is

1 the law enforcement. And many of you have been involved in
2 some of the law enforcement strategies that have occurred
3 over the past year. And this plan identifies several key
4 things. The first two specifically that are critical is to
5 create and maintain a dependable radio system for both law
6 enforcement and our visitor services and medical staff at
7 the Imperial Sand Dunes. And to increase enforcement staff
8 also on the non-holiday weekends.

9 Now, the last two are things that we consider
10 to be part of BLM's toolbox. And they could be utilized on
11 an as-needed basis. And that would be the alcohol bans just
12 to designated camping areas, as well as the curfews in -- on
13 the hills, specifically, as well.

14 Now, there is my last slide. In summary, we
15 just completed the public comment process. We are on a very
16 tight time frame. We are using a comment analysis team to
17 assist us with the comments. And you can expect that a
18 draft -- or I'm sorry -- a final Environmental Impact
19 Statement will be out the first week of August.

20 CHAIRMAN KEMPER: Yes. Wally.

21 MEMBER LEIMGRUBER: Are we going to take some
22 comments at this time for Roxie?

23 CHAIRMAN KEMPER: Yes.

24 MEMBER LEIMGRUBER: Wally Leimgruber,
25 Imperial County Supervisor.

1 This past Tuesday -- and Roxie is aware of
2 this -- the county board had looked at our comments. And
3 the concern that we had, one of the primary concerns was the
4 limitation. Our county board voted 5 to 0 to eliminate the
5 number of visitors. We feel that this area with the law
6 enforcement presence that has been put into place has been
7 able to control the area, and we want visitors to come down.
8 At this time, we feel that there is enough area that can
9 accommodate our visitors to this area. And so we actually
10 have eliminated that numerical number. And we feel this
11 area should continue to accommodate the visitors that do
12 come on down.

13 Couple of the other comments. I don't want to
14 labor out very long, but thanks, Roxie, for this
15 presentation. Some of the areas that they have looked at, I
16 think we can work through this process and have an area
17 managed for the public.

18 CHAIRMAN KEMPER: Roy Denner.

19 MEMBER DENNER: Surprise! I have comments on
20 this issue.

21 First, let me say that the OHV community is
22 very optimistic that unlike all the other plans, our input
23 may actually be considered in the ISDRA RAMP. After all,
24 it's an OHV recreation area, in spite of the fact that there
25 was a movement during this planning process to change the

1 name to the Imperial Sand Dunes Resource Management Area.
2 Mike Pool came to our aid on that one and agreed that it has
3 always been a recreation area, not a resource management
4 area.

5 I could -- obviously, I could address a
6 hundred different issues here. The OHV community basically
7 approves of the planning approach. There were a lot of
8 things in this draft that we are not happy with. And the
9 way we have responded to that probably will have its place
10 in history, because for the first time, 30 to 40 members of
11 the OHV community, including leaders of all the primary OHV
12 groups in the state of California, met over two intensive
13 weekends with a professional facilitator to attempt to come
14 up with a unified input to this plan.

15 At the beginning of the meeting -- I have been
16 involved in enough things like this, at the beginning of the
17 meeting I thought it was a joke. I didn't think we would
18 ever be able to accomplish it, but we did. I am going to
19 pass out to everybody here a document that is the joint
20 input from the leaders of OHV groups representing tens of
21 thousands of OHV users within the state of California. We
22 think that it is inconceivable that the BLM would not take
23 into account the information in this document.

24 There are six major OHV groups that have
25 signed on to it, their logos are on the cover. There are

1 comprehensive comments on all of these issues. So you can
2 read them, and I don't have to go into them and I don't have
3 to dwell on them. But I would happy to take phone calls
4 from anybody who has questions on how we arrived at the
5 various issues addressed in this document. I think we have
6 done something that I would have considered impossible, and
7 it should be weighted very heavily in this planning process.

8 Included in this document is -- in addition to
9 what these organizations have agreed to 100 percent, there
10 are other issues that each organization considers to be
11 important to that particular organization. So all of these
12 organizations have also provided their own specific input.

13 For example, you will see an insert in here
14 from my organization, the Off-Road Business Association.
15 Our primary concern is economic impact. The plan infers
16 that the only economic impact resulting from management
17 decisions in the Imperial Sand Dunes would take place in
18 Yuma and Imperial Counties. And as anyone who has ever been
19 out there knows, that's absolutely ridiculous. There are
20 major companies all over California and in Nevada and
21 Arizona that would go out of business if this was closed.

22 For example, sand tire manufacturers. The
23 only place this stuff is used is out there in the Imperial
24 Sand Dunes. So my organization is concerned that the
25 overall economic impact has not been considered. The

1 document that I gave you yesterday from State Parks and Rec
2 indicates that economic impact in 1993 was \$3 billion.
3 That's documented. You know, since '93, not only has the
4 usage gone up, but the price of the toys have gone up. We
5 are looking somewhere between \$6 to \$10 million economic
6 impact resulting from OHV used in the state of California
7 today.

8 So I think it's really important that
9 everybody take a look at this. It is a document agreed to
10 by a number of people who know what they are talking about,
11 who have had literally hundreds of years of experience. And
12 I would also like to request, Mr. Chairman, that at this
13 time we allow -- I know there is in the audience members of
14 the American Sand Association who have been the lead on this
15 Imperial Sand Dunes issue since day No. 1, obviously. They
16 have a document which is similar which represents the ASA
17 input to this Imperial Sand Dunes. And I would like to
18 allow them to present that document now if it's all right
19 with the Council.

20 CHAIRMAN KEMPER: I think it would be fine
21 to have them present the document so we might have the
22 opportunity to review it over lunch. But I would save any
23 presentation they have for the period for the public.

24 Randy.

25 MEMBER RISTER: I would like to remind the

1 Desert Advisory Council of some comments I made in the past,
2 but I would like to reiterate those today.

3 Back in the early 1970s, I was at the County
4 Park on Osborne Overlook with the Secretary of Interior,
5 when he indicated that Glamis was going to become the
6 premier off-road vehicle recreation area for the entire
7 United States.

8 Since that time, there has been numerous
9 closures to the OHV community and to recreation throughout
10 Imperial County, and I want to just name a few. The Hacuampa
11 Wilderness, the Fish Creek, the Title 8, the Pacacio, the
12 Little Pacacio, the Indian Pass, the Palo Verdes, Little,
13 Chuckwalla, the Chuckwalla, the Orocopias, the Mesa Tables,
14 and the North Algodones.

15 Now, the North Algodones Dunes has been
16 basically closed to OHV since the '70s as a wilderness study
17 area and then finally as a wilderness area. With the
18 assurances that the OHV community having given up all their
19 riding in these other wilderness areas and having given up
20 everything north of 78 in the Algodones Dunes, that Glamis
21 would be preserved and protected as this premier OHV riding
22 are.

23 Now, the BLM has established the National
24 Off-Road -- Off-Highway Vehicle Management Strategy. And
25 yet the BLM -- and I'm not blaming the BLM, but they haven't

1 been able to establish a single Off-Highway Vehicle Park,
2 such as the State Off-Highway Vehicle Commission has done.
3 There is a perfect one out at Ocotillo Wells.

4 Now, to expand the State's program, we gave
5 one of our parks, Heber Dunes County Park, we gave it up to
6 the OHV community -- to the state so they could run it
7 better than the county could do, and they have done it. We
8 also gave Osborne to the BLM because we felt they could do a
9 better job managing it for the OHV community than the county
10 could do. We are looking at transferring or trading 160
11 acres that straddles Highway 78 -- part of it's in the
12 closed and part in the open dunes -- to BLM for the same
13 purposes.

14 I was on a team with Roxie and representatives
15 from the OHV community and the environmental community
16 attempting to rewrite the RAMP. We were looking at
17 developing additional camping sites, additional parking
18 pads, and still protecting those sensitive areas that needed
19 to be protected. During the time that we were working on
20 this team there was this end-run done through the court
21 system to bring us to this point now on the Sand Dunes Plan.
22 So -- and part of that was because some of the studies on
23 the Pierson's Milkvetch and the some of the species out
24 there were not showing the major negative impact that is
25 being -- I guess you would call it the voodoo scientists

1 being reported to occur.

2 Again, Pierson's Milkvetch is another plant
3 that is dependent upon rainfall. If you are in a drought --
4 and as I indicated earlier, the rains do not occur evenly in
5 the desert, so if you have a year where the rains occur more
6 in the south, you may get a better crop of Milkvetch. If in
7 the north, you may get a better crop of Milkvetch there, but
8 they are dependent upon the weather.

9 I don't believe that the past management
10 practices of the BLM in managing Glamis, after everything
11 else is closed and you force all these people into one
12 remaining OHV area, I don't think that those management
13 practices were actually proving to be detrimental to the
14 plants. And certainly there was enough area in the
15 wilderness area of the North Algodones Dunes to protect all
16 the species: The scarab beetle, the dune sunflower, the
17 Wiggins croton, the Milkvetch -- all these species are
18 protected already.

19 So again, I have some real concern about
20 what's driving this plan. I think that Roxie and the BLM
21 staff have done a monumental job trying to balance all the
22 input they are receiving. But I question again, what are we
23 really trying to do? With so many areas already being
24 closed in Imperial County, with recreation -- up until this
25 last year, our unemployment ranged between 27 and 31 percent

1 consistently year in and out. We are the poorest county in
2 California. We are trying to attract businesses that are
3 environmentally safe.

4 Recreation is an environmentally sound
5 business. It's a nonpolluter. We are a hurting economy
6 down there, and we hate to see businesses being driven away
7 unnecessarily by voodoo science. And it is a tragedy that
8 the OHV community has given up so much and is asking for so
9 little. Just leave them Glamis. And yet we mitigate three-
10 to-one, four-to-one, five-to-one for everything else that we
11 do. And we mitigate nothing for the OHV community. It's
12 close, close, close. And I think Roy has indicated that, and
13 I agree with them.

14 My training is engineering. For 30 years
15 every building built in Imperial County has been under my
16 jurisdiction. I have gone back to continuing education in
17 biology and other conservation science classes because I
18 love the desert and I want to see it protected. Maybe I
19 should have got a doctor's degree in that. But now I'm
20 thinking that's wrong. Maybe I should have gone to law and
21 become an attorney, and now I could get appointed as a judge
22 and maybe I could in that position have a positive impact,
23 because everything else I'm trying to do for my home
24 community doesn't seem to work because of these end-runs
25 that keep occurring through the court systems using voodoo

1 science.

2 And I think the Desert Advisory Council needs
3 to consider what the OHV community has already given up and
4 what these continued closures are going to do to the economy
5 of Imperial County.

6 MEMBER DENNER: Well said.

7 (Applause from the audience.)

8 CHAIRMAN KEMPER: Ilene.

9 MEMBER ANDERSON: Of course I have great
10 interest in this plan, as well, for the suite of rare
11 species as well as the non-rare vegetation out on the dunes.
12 And I realize that the issues out there are incredibly
13 complex. My function for this Advisory Council, though, is
14 to bring to the table a perspective for the plants. And
15 that's what I am going to do.

16 Our comments on this -- we were basically
17 disappointed with the -- in the respect that I think the
18 question that we all want answered is how much impact can
19 these suite of rare plant species sustain before we impact
20 them where they are no longer able to reproduce successfully
21 on the dunes. As Randy alluded to, one of the -- we are
22 trying to do this based on the best available science.

23 One of the basics tenants of conservation
24 biology is that you try to protect a species across the
25 range of their existence. In this case, that range is the

1 full spectrum of the dunes. And so we were disappointed to
2 see that there wasn't more of a scientific approach to
3 collecting information with regards to how much impact was
4 enough on those species throughout the range of the species.
5 And that's essentially what we are looking for. We think it
6 would help to answer some of these questions and provide
7 bases for appropriate adaptive management. And certainly we
8 support that.

9 MEMBER DENNER: For the Council's
10 information, the OHV community hired a well-known biology
11 firm out of Arizona to do the only scientific analysis that
12 I have ever seen of the Pierson's Milkvetch plant and its
13 seed pod level, and while they were doing that they looked
14 at several other species. So there is indeed a document
15 available that is the best science available regarding
16 certain species, particularly the Pierson's Milkvetch plants
17 in the Imperial Sand Dunes. And that study concludes -- and
18 it was not a study based on transects and extrapolation.
19 The people went out there and counted individual plants.
20 There are 72,000 Pierson's Milkvetch plants, healthy plants,
21 in the open riding area.

22 The BLM would not let the biologists go into
23 the closed area, so they flew over the closed area and took
24 pictures and estimated plant population in the closed area.
25 That's approximately the same population as in the open

1 area. This doesn't even include the Pierson's Milkvetch
2 plants north of Route 78. The conclusion of that study was
3 not only should -- is the Pierson's Milkvetch plant doing
4 perfectly well, it never should have been there in the first
5 place. And we are in the process of a lawsuit against the
6 Department of the Interior right now to have that plant
7 taken off the Endangered Species List, and the evidence is
8 overwhelming that it shouldn't be there.

9 (Applause from the audience.)

10 CHAIRMAN KEMPER: Ilene.

11 MEMBER ANDERSON: I agree that the
12 information that your consultant brought forward and was
13 utilized in this plan is valuable information. However,
14 what we are more concerned about is the persistence of the
15 plant over time. And so, although I agree that it is a
16 valid study, I think there have been additional studies
17 previously that are basically very scientifically based
18 studies that have also been included as references in this
19 plan. But it still remains the point where we are concerned
20 about trends over the long haul on the persistence of the
21 species, not just a snapshot in time of one year.

22 CHAIRMAN KEMPER: Jeri.

23 MEMBER FERGUSON: I'm going to go a little
24 bit different than the species itself.

25 I have a lot of concerns about how a planning

1 process -- when the wilderness got designated in the North
2 Dunes, the South Dunes WSA was released by Congress. And
3 when that was released by Congress, it was to go back to the
4 use that was there before. And I am unsure on the legality
5 of how there can be closures and everything else done when
6 it's already been released by Congress. So basically
7 Congress said the North Dunes is sufficient to protect the
8 species and do all this stuff. The South Dunes is to go
9 back to the traditional uses.

10 It's the same thing in the '94 Desert
11 Protection Act. It specifically states that there will not
12 be any type of buffers around wilderness. And here we see a
13 map of a one-mile buffer around the wilderness in the North
14 Dunes. And that, to me, is totally illegal. How can you do
15 that when Congress mandated there would not be any buffers?
16 And I understand it's only a camping buffer, but it also
17 says in there, you can camp up to any wilderness boundary in
18 the Desert Protection Act. So those are my issues and
19 concerns.

20 MEMBER RISTER: I think that Jeri is right.
21 You are right. But I think you have to consider that this
22 plan is not being driven as it originally intended to be
23 developed as a new RAMP to replace the 13- or 14-year-old
24 RAMP for the sand dunes. This is being driven because I
25 believe the 9th Court, who has a notorious record for

1 passing on certain issues and being overruled such as
2 removing the flag salute -- which I won't get into -- but
3 nevertheless, it's the same court that makes these
4 decisions. And that's what's driving this plan. And as I
5 indicated earlier, I think I have wasted my career. I
6 should have gone into law.

7 MEMBER FERGUSON: But we never talked about
8 the buffers around the wilderness in court. But anyway --

9 CHAIRMAN KEMPER: Bill Betterly.

10 MEMBER BETTERLY: Wasn't one of the decisions
11 that came out of the Appellate Court, that the US Fish and
12 Wildlife in their studies had to take into consideration
13 economics? I believe there was one that came down that just
14 threw a hold on a lot of things. And through that the GAO
15 has made quite a study on the Carlsbad office of that. And
16 they are changing an awful lot of things there now to take
17 economics into evaluation.

18 CHAIRMAN KEMPER: Roy. Bob Ellis.

19 MEMBER ELLIS: Obviously the environmental
20 community has a lot of concerns around this document as
21 well. I know one of the disappointments was the lack of the
22 existing temporary closure as a possible alternative. And
23 that was not chosen to be put in.

24 I do think it's important to be clear that
25 this plan is certainly not driven only by the concern for

1 the plants, but it's also driven by concern for how you
2 manage where most of the people are and the resources that
3 were being taken from large portions of other federal and
4 state jurisdictions to manage that problem. And so it's
5 certainly not only an environmental situation.

6 A concern that I have is with respect to the
7 air pollution. I was glad to see a lot of that information
8 put into the E.I.R. I'm not sure exactly how it all
9 technically works, but I'm very happy to see that you do
10 have some figures that talk about the amount generated on
11 these weekends. And I know that's going to be something
12 that Imperial County as a whole is going to have to add into
13 the general equation for all of Imperial County's air
14 pollution problems.

15 The other concern I have -- and I think a lot
16 of environmentalists have that concern is the idea of how
17 adaptive management is going to work, if indeed that's
18 what's implemented here. The parallel -- not parallel, but
19 we have another pending project in the Mojave Desert in
20 which an adaptive management proposal has been made to, in
21 effect, say, Well, don't worry about your long-term
22 environmental concerns. We are going to allow this process
23 to go forward, and we will see what happens and just trust
24 us, because we are going to keep looking at it. And if we
25 think something is going wrong, then we will stop that

1 activity.

2 That's the Cadiz Project where they were
3 proposing to start perhaps draining some water out of the
4 ground aquifer and keep looking at it and say, Don't worry.
5 We will stop if things go bad. And I understand that there
6 are other places in the United States where the Federal
7 government is beginning to implement ideas of adaptive
8 management.

9 Well, maybe it will work. Maybe these things
10 are complicated enough that you have to put something like
11 this in place. But we are quite concerned and -- you know,
12 both sides have a reduction in trust at this point. And not
13 that there are two sides. But we will have to look at this
14 real closely. And I'm sure that Fish and Wildlife will be
15 wondering about how this works, as well. Thank you.

16 CHAIRMAN KEMPER: Roy Denner.

17 MEMBER DENNER: I want to respond to Bill
18 Betterly's question about the requirement for addressing
19 economic impacts.

20 As a matter of fact, FLPMA requires that when
21 doing these land management plans, socioeconomic impacts be
22 considered. Furthermore, it requires that cumulative
23 impacts be considered.

24 As you all know, in November of last year,
25 there were 11 decisions -- Records of Decision posted to the

1 Federal Registry which closed some 800,000 acres of lands
2 across the entire desert district to OHV use. Our attorney
3 appealed all of those closures, all of those records, and
4 the IBLA summarily rejected all of our appeals.

5 And one of the major points of the appeal was
6 the fact that neither -- socioeconomic impacts had not been
7 addressed correctly in these plans; and furthermore, there
8 is no mention of cumulative impacts. I mean, the closures
9 of all the areas across California certainly impact the
10 number of people who would go to the sand dunes and vice
11 versa.

12 Those appeals just recently have been rejected
13 by the IBLA. We are now in the process of going to
14 litigation. It's our only choice. We have separated 10 of
15 the appeals which affect areas other than the Imperial Sand
16 Dunes, and we have taken the Imperial Sand Dunes as a
17 separate issue. Our attorney is in the process now of
18 filing two suits, one against the closures in the Imperial
19 Sand Dunes and one against the other 10 Records of Decision.
20 So for your information, more news is coming.

21 MEMBER RISTER: In regards, also, to the air
22 pollution issues, I want to remind the DAC that Imperial
23 County is now a nonattainment area. But not because of
24 this. Imperial County is a nonattainment area because we
25 can't control the pollution from the north end blowing in

1 from the L.A. Basin. And from the south coming across the
2 border from Mexico. The new power plants are going to
3 increase that problem.

4 Keep in mind that the PM-10 problem at Glamis
5 is minor compared to the understanding that Glamis is
6 created by air pollution. Those sand dunes have migrated
7 about 45 miles from the ancient shoreline of ancient Lake
8 Cahilla. The wind has blown them in, and the wind is the
9 major contributor to the pollution. As I said, look at a
10 dust storm. The PM-10s created by the OHV is a minor amount
11 when you compare to those dunes that are migrating
12 continuously, about six inches a year. They are a source of
13 pollution themselves. They are made by air pollution. But
14 again, we can't control L.A. or Mexico. We can't control
15 the wind, so we are going to kick the teeth in of the OHV
16 community again and make them pay for the pollution.

17 (Applause from the audience.)

18 CHAIRMAN KEMPER: Any more comments from the
19 Council?

20 We did have scheduled an action item at this
21 point, but with the Council's concurrence, I'm going to
22 postpone that until the end of the meeting. We are at about
23 11 o'clock, I think, and I think we can begin taking public
24 comment, if that's -- do you have any thoughts on this?

25 MS. HANSEN: That's perfectly fine with me.

1 MEMBER ANDERSON: On the agenda, I also see
2 that one of the planning efforts we were to be updated on
3 was NEMO. And do we have a presentation on that?

4 MS. HANSEN: What ended up happening today is
5 that neither the project lead was here -- able to be here
6 this morning. And Molly also had a personal issue come up
7 so she couldn't be here this morning. And my depth of
8 understanding -- well, my history with this planning effort
9 of course is very limited.

10 So what I would suggest is if there are
11 questions specific to the NEMO process, where we are with
12 that, I can update the Council that the final EIS is being
13 prepared for the printer. It is on basically the same time
14 frame as the NECO plan for being completed and out on the
15 street. We are looking for the middle to the third week of
16 July for a release of that final as well. It does deal, of
17 course, with similar issues as you looked at in the NECO.
18 And if there are specific questions about that, if you could
19 maybe hold them until this afternoon, we can put that into a
20 bin item and try to address specific questions at that time.

21 CHAIRMAN KEMPER: Thank you, that will be
22 fine.

23 MEMBER FERGUSON: Well, I'm not going to be
24 here this afternoon. I just have one point to make. On the
25 NEMO plan, they only did their route designation in their

1 desert wildlife management area, which is only 25 percent.

2 MS. HANSEN: That's correct.

3 MEMBER FERGUSON: My concern would be when
4 are they going to do the rest of it? And of course, my
5 age-old question, when are we going to get maps on that
6 route designation process?

7 MS. HANSEN: The remainder of the routes will
8 be looked at outside, of course, NEMO. The schedule for
9 completing that is -- I believe those have to be done by
10 2004. And I think there is a time frame of like the middle
11 of the year, June or something of 2004 as the target date.

12 MEMBER FERGUSON: Since the NEMO draft is in
13 print right now as we speak, and that would free up those
14 people that were working on that, I would really appreciate,
15 so we don't have this communication gap, that the maps sent
16 directly to us so we have a time period where we could go
17 out on the ground and look at those maps.

18 MS. HANSEN: Yes. We will do that.

19 MEMBER FERGUSON: Thank you.

20 CHAIRMAN KEMPER: I will open up the meeting
21 for public comment. And I do realize that we are kind of
22 ahead of schedule on this portion, so I will give you a
23 couple of minutes if anybody needs sheets to fill out and
24 bring in. I believe Gerry Hillier is probably ready. Or do
25 you need more time, Gerry?

1 MR. HILLIER: Thank you, Mr. Chairman. I was
2 filling out my slip there to request some time there.

3 CHAIRMAN KEMPER: In the past we have had
4 kind of a three-minute rule. I don't know that we have a
5 whole lot of people here. And I will ask everybody to be
6 respectful of everybody else's time. But we will try to
7 give you the time you need to get your thoughts across.

8 MR. HILLIER: Thank you. It shouldn't take
9 me more than four or five.

10 Unrelated to the planning topic, but just for
11 a moment, it's my understanding that BLM supplied an RS 2477
12 analysis in the packet to all members in advance of this
13 meeting. And because of the interest of local governments
14 throughout the desert in the RS 2477 issue, I would request
15 that either the bureau send out a similar packet to each of
16 the counties within the desert or that the local government
17 representatives that are on the Council undertake that on
18 your own volition to communicate that to the counties.

19 Relative to the planning, a couple of things.
20 And I have my San Bernardino hat on. And I also have my
21 Executive Director of the Quad-State Coalition hat on in
22 making these comments.

23 The first is a fundamental problem. The
24 desert tortoise is driving many, if not most, of these
25 plans. And specifically NEMO and NECO. And even though we

1 didn't talk about NEMO, by extension my comments are going
2 to include that. And as I stated in El Centro in December,
3 it is our belief that the recovery plan does have some
4 significant flaws. And Fish and Wildlife Service did commit
5 to a reanalysis and a reopening of the recovery plan after a
6 period of three to five years, which would have reopened
7 consideration sometime between 1997 and '99.

8 We are now at 2002, and Fish and Wildlife
9 Service has not undertaken that review. And it's our
10 position that there is a lot of the data out there. There
11 is also tremendous voids in data relative to trends. And we
12 just simply feel that the bureau should not be moving on
13 further exclusions of uses until the recovery plan and the
14 data has been looked at comprehensively, primarily from the
15 standpoint of efficacy.

16 The County and the Coalition are not certainly
17 opposed to the desert tortoise. We support wildlife
18 management and the maintenance of species. What we are
19 concerned about is that the data seems to show that disease
20 and predation are the two largest causes. It's probably not
21 applicable to California, but we also saw some data within
22 the last 30 days that indicates certainly in Clark County,
23 Nevada, that euthanasia by the habitat agencies is also a
24 significant cause of loss of the desert tortoise populations
25 on a range-wide basis. And it's our position really that

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1 review of the recovery plan ought to happen prior to
2 implementing further closures and further restrictions of
3 land use. And that this analysis and review include the
4 efficacy of what's been done to date.

5 Second, we are very concerned about the land
6 acquisition aspect of it. Granted, there is a small amount
7 of private land remaining in NECO and NEMO, but there is 20
8 percent. The area is already 80 percent. And it's
9 precisely for this reason that the land acquisition and the
10 erosion of tax base that the counties have pushed Congress
11 to introduce HR 5053 to at least provide that the Federal
12 government put money to reimburse the loss of this tax base
13 within the counties. But it's our position there with 80
14 percent ownership already federally, perhaps land
15 acquisition shouldn't be very high on your priority list on
16 the refederalization of these remote units.

17 Third, I want to say a word about bighorn
18 sheep before I come back to tortoise. There was in NECO no
19 proposed water developments in the north. The water
20 developments and the guzzler system was all in the south.
21 The county did comment on the draft, that we thought that
22 that proposal ought to be extended north so as to enhance
23 that population. From all indications it was not. And we
24 would renew our comments.

25 In addition, and a factor that was not known

1 at the time we submitted the comments on the NECO draft, the
2 Park Service has really aggressively been reducing the water
3 supplies in the Mojave National Preserve immediately to the
4 north, and in Joshua Tree immediately to the west of NECO.
5 And so the water -- and the water reduction in the area is
6 exacerbated by the Park Service position. They impose
7 unnatural conditions, and that's simply an extension of
8 their policy. And that isn't for this Council or BLM to
9 consider, except that they need to look regionally at these
10 situations and to not provide for water to offset those
11 losses that the Park Service is doing is simply, we think,
12 in error.

13 Within the Chemehuevi area, it's an area that
14 I personally have always felt if you wanted to establish a
15 tortoise preserve somewhere in the desert, probably
16 Chemehuevi Valley is a place to do it. Of all the tortoise
17 areas range-wide, probably you can displace the least amount
18 of use. And that isn't to say that it wouldn't have an
19 effect on Milton Blair and the Lazy Daisy and some other
20 activities. But if you can't recover the tortoise in the
21 Chemehuevi, then you probably can't recover the tortoise
22 anywhere in the desert.

23 And I think it's important to look at this and
24 look at what's happened to the population in Chemehuevi,
25 even as you consider what you are doing in West Mojave.

1 West Mojave is a marginal area. I know there is great
2 concern there that the West Mojave population may become
3 extirpated. And it may already because of disease and
4 predation be headed that way. And unless something is done,
5 some intervention other than removal of land uses, I just
6 think it's important there that you do reconsider whether
7 the extent of restrictions in the West Mojave really is
8 justified and maybe put your money into recovering an area
9 like Chemehuevi.

10 Chemehuevi Valley we know historically -- and
11 Dick didn't mention it -- but Chemehuevi Valley was
12 devastated in World War II. During World War II that was
13 the heartland -- Chemehuevi Valley Chuckwalla Bench was the
14 heartland of the World War II training. They were called
15 the Patton Camps, although the general wasn't personally
16 there except for the early part.

17 The fact of the matter is it was almost
18 denuded. The population had almost totally recovered by
19 1990, and then the disease came in. It may well be that the
20 only strategy to recover the tortoise may involve something
21 as bizarre or as out-on-the-edge as inoculation. We believe
22 that all of these strategies ought to be explored before
23 further reductions in land use are applied. And we are very
24 concerned about the direction BLM continues to take relative
25 to that.

1 We are relieved that they had no mining
2 withdrawal. That's the one use that seems to have escaped,
3 and that's good. But I think even though Dick says that
4 science has been applied in the NECO, and I participated
5 personally in a lot of the interest group meetings, I think
6 there is a lot more science out there that wasn't
7 considered. And I think the BLM has an obligation to look
8 at that science. The County will be submitting further
9 comments on the NECO and NEMO after we get them. But that
10 is just my off-the-top-of-the-head remarks today. Thanks.

11 CHAIRMAN KEMPER: Thank you, Gerry. We
12 usually don't have questions, but I do have one.

13 MR. HILLIER: Sure.

14 CHAIRMAN KEMPER: You said it so offhandedly
15 I'm sure you misunderstood what you said.

16 You said that ravens and disease --

17 MR. HILLIER: I said predation. Because
18 predation -- there are two or three things that I encompass
19 there. The first is the ravens, and they have become the
20 visible target. And for most people's analysis, the raven
21 populations in the desert have increased as much as ninefold
22 in the last 25 years.

23 Most of the data I have seen is anecdotal.
24 It's a summary from Bill Borman and some others. But that's
25 one of the biggies, certainly as far as what is called the

1 neonates, the tortoises in their first year of life. But
2 also there has been a couple of other things relative to
3 predation.

4 First is that with the sheep gone, the coyote
5 population has increased dramatically desertwide. And the
6 coyotes prey regularly on the clutches of tortoise eggs, and
7 there is data out there. Almost every tortoise biologist
8 that comes to the Tortoise Council meetings reports on the
9 predation. And the coyotes eat the neonates and probably
10 for the first two years, plus destroy the clutches so that
11 the reproduction that does take place never does get to be a
12 neonate.

13 The last part is fairly new or fairly newly
14 identified, but has been consistent in the Twentynine Palms
15 and Barstow areas, and that's packs of wild dogs. And
16 almost every adult tortoise they find in these areas around
17 the communities and even extending into the proposed DWMAs
18 shows evidence of chewing on the shells. And so there is a
19 fairly strong case that has been made that the feral dog
20 situation is itself a further form of predation affecting
21 the populations.

22 CHAIRMAN KEMPER: Actually -- and that's good
23 information. I appreciate it. But I must have
24 misunderstood you. You said one of the other big takes of
25 tortoises was managing agencies euthanizing tortoises,

1 killing tortoises?

2 MR. HILLIER: That's true. I saw a chart
3 at the Management Oversight Meeting in Las Vegas the first
4 part of June. And it was not a random study, but it was an
5 analysis of tortoise mortality in Clark County -- was it a
6 year or was it over a period of five years? Linda was at
7 the meeting there.

8 MS. HANSEN: I believe it was over a period
9 of five years.

10 MR. HILLIER: A five-year study of tortoise
11 mortality. And as I recall the gross numbers, they measured
12 a mortality of about 3800 tortoises, 900 of which were
13 euthanized. Those are the tortoises that had been
14 voluntarily picked up. Clark County, in their HCP had a
15 take permit for 145,000 acres in the valley that they can
16 just simply pave over. And people talk about urbanization
17 adversely affecting populations and, by golly, it sure is
18 happening over in Clark County.

19 They have a take permit for 145,000 acres and
20 a voluntary pick-up permit where contractors or citizens can
21 turn their tortoises into a conservation center that lays on
22 the southwest corner of the valley. They, in turn, put out
23 tortoises for adoption in people's backyards. They have
24 shipped quite a few up to Reno. But they can't feed and
25 house all of these tortoises. They do reproduce; they use

1 some for research. But they are simply getting overrun with
2 tortoises, because in this captive environment, they were
3 reproducing like crazy, so they euthanized 1900 animals
4 rather than release them back to the wild.

5 That's one of the things I picked up going to
6 these tortoise meetings is you can find out all kinds of
7 data out there that's going on.

8 MR. CASEBIER: That's like a year's worth?

9 MR. HILLIER: I think that's five years.

10 Don't quote me on that. That's my casual recollection from
11 the data. I'm seeking some more documentation on that.

12 CHAIRMAN KEMPER: That's amazing.

13 MS. HANSEN: I thought the data was displayed
14 over the five-year period of time. The actual take each
15 year, I don't remember.

16 MEMBER ELLIS: Last I heard about that type
17 of situation, most of those tortoises that are picked up in
18 an urban area I think they expect to have some
19 contamination. And they don't feel that it's proper to put
20 them back in the wild due to the various disease concerns.
21 So they created this conservation area, and it has turned
22 out to be not too great an idea because apparently they were
23 allowing them to pick up more tortoises than they have
24 adoptions for them, very much like the wild horse and burro
25 situation.

1 So it isn't as though these really are
2 available to be put back into the wild. At least under the
3 biology that they can do now in terms -- they can't just
4 give them a pill and free them of all contamination and put
5 them back in the wild.

6 MR. CASEBIER: Wasn't -- Dennis Casebier.
7 Wasn't there some money that went with that 145,000 acres,
8 so much an acre. And at this meeting, Gerry or Linda, was
9 there some kind of accounting on what's happened to that
10 huge amount of money?

11 MR. HILLIER: They got a take permit for
12 145,000 acres that they could just simply pave over.
13 According to the manager of the habitat conservation plan,
14 who's now left. But it was Cindy Truelove. She indicated
15 at a meeting I was at that the program of picking up the
16 tortoise was voluntarily. In other words, if there were
17 tortoises in the burrows when they paved -- the humane thing
18 to do would be to go and determine if there were tortoises
19 or not and pick them up and turn them over to the
20 conservation center. But if they missed any, nobody was
21 going to worry about it because they were citizens and the
22 developers were under this voluntary program. And they felt
23 there was pretty good compliance.

24 And yes, Dennis, there is a payment in their
25 development fee much as the five-to-one compensation figure

1 here that would cost in the NECO area of five-to-one,
2 probably \$1800 an acre to develop a parcel.

3 But in Las Vegas, I think that adjusted for
4 inflation, it's now about \$588 an acre that goes to the
5 habitat conservation agency. And they, in turn, have used
6 that money to acquire private lands, private inholdings
7 among the BLM land, buy out most of the livestock ranches
8 that used public lands in Clark County and to run the
9 tortoise facility. And I gather to do other kinds of
10 implementation projects. But because of the rate in the
11 pace of development in Clark County, they have got money in
12 terms of \$15, \$18 million available for their use.

13 CHAIRMAN KEMPER: That would seem to be
14 enough to feed 1900 tortoises.

15 MR. HILLIER: Anecdotally -- and I guess I
16 should say this -- we worry a lot in the wild there about
17 tortoise and tortoise diets. And there is a lot of work
18 done on it. And there is a raging debate, and there isn't
19 consensus in terms of what a tortoise requires or whether
20 they subsist equally on introduced alien species, like red
21 bone and filler reef. However, these tortoises in the
22 conservation center live basically on a diet of alfalfa
23 pellets that they seem to thrive on and reproduce up to two
24 clutches a year and all and seem to have no problem getting
25 along fine on this pellet diet.

1 CHAIRMAN KEMPER: Thank you, Gerry.

2 MEMBER FERGUSON: We had a gentleman come
3 from Clark County that was the manager of that conservation
4 or concentration or whatever you want to call the camp for
5 the tortoises. And he could not -- the tortoises came from
6 everywhere. They did not know where they came from, whether
7 they came from somebody's house, whether it came from
8 construction site, open area or what. And when I say open
9 area, I meant an area open to the tortoise, not vehicle-
10 related.

11 But anyway, when we asked him that question
12 about the euthanization and how he determined which
13 tortoises got euthanized he actually did not have -- because
14 they were brought in by people. They were all subject to
15 euthanization because they don't have any way of detecting,
16 unless the tortoise actually has a snotty nose or runny eyes
17 can they tell if it has a disease. The rest of the diseases
18 are undetectable until they do major, major blood tests and
19 work on them. And they are not going to spend money to do
20 that. He says the cost is prohibitive. So because they
21 were brought in by people, they were euthanized whether or
22 not they were healthy or unhealthy or otherwise.

23 MEMBER ANDERSON: I guess my comment is I
24 also intend -- where I know all of my tortoise is basically
25 from the West Mojave Plan and the information sessions that

1 we have had there. But with regards to the Clark County
2 plan, they do have the wonderful benefit of having a lot of
3 money from that plan from tortoise mitigation, which is
4 great, except the problem is there is no habitat to acquire.

5 CHAIRMAN KEMPER: John. I always beat up
6 your last name.

7 MR. DALGLEISH: I just got a couple of quick
8 comments.

9 CHAIRMAN KEMPER: State your name, John.

10 MR. DALGLEISH: John Dalglish,
11 D-a-l-g-l-e-i-s-h.

12 On the Imperial Sand Dunes, the ROS
13 classifications, as I understand them, are for forest
14 planning and not for planning on open areas. Doesn't take
15 into account that the ISDRA doesn't have a whole lot of big
16 trees to take up room. Most of you guys were out there last
17 December. I didn't see any big trees. That seems to me
18 it's a totally wrong way to classify the land use. It needs
19 to be classified as open area.

20 The temporary closures. As I understand, they
21 were implemented until BLM did Section 7 consultation with
22 Fish and Wildlife and were never meant to be permanent.
23 This was done through the courts until the BLM complied with
24 the Section 7 consultations. So there was no basis for them
25 to be ever considered as permanent.

1 Also, another quick note. In the past it
2 seems to me that the public has been given a chance to
3 comment on agenda items when the presentations were made.
4 That has not been the case at this meeting.

5 And I would like to know why the meetings are
6 not scheduled with enough time for all the presentations.
7 If we have to stay until 7 o'clock, that's fine. I mean, I
8 have better things to do, too, but if that's how long it
9 takes to get the meeting completed and finished and give
10 everybody a chance to speak their minds, then that's what
11 they should do. Thank you.

12 CHAIRMAN KEMPER: Thank you, John. Chuck
13 Mobley.

14 MR. MOBLEY: I'm Chuck Mobley with American
15 Sand Association. And I have a million comments on the
16 plan, but I'm not going to get into that. I just wanted to,
17 on behalf of the board members of the American Sand
18 Association presenting you with our comments on the draft.
19 And I just want you to look at it. Don't just take it
20 because we worked really hard on those comments and we also
21 worked really hard on the cumulative comments. And these
22 were not just the leaders, but also the users of the areas.
23 So these are the people that are using these areas, and they
24 made comments on what they believe is right for that area.

25 Also, I wanted to say I'm going to -- I like

1 what Roy said about the money, matching the money to either
2 do studies on the tortoise or any other species. But I
3 would like to challenge the environmental community with
4 volunteerism. I know I can rally our troops to volunteer
5 for anything we need to do to make sure that the species are
6 protected. However, we want it to be based on facts and
7 science, not based on emotional feelings. So I'm here today
8 to challenge the environmental community to step up to the
9 plate when we ask them to help us to clean up or education,
10 which they have not done yet. So I want to get that on
11 public record. I also want those comments to be on public
12 record. Thank you.

13 CHAIRMAN KEMPER: Thank you, Chuck, and they
14 will be. Vicki Warren.

15 MS. WARREN: Hi, I'm Vicki Warren,
16 W-a-r-r-e-n. The first thing I wanted to mention was a
17 comment made by Bob Ellis yesterday about hiking I think it
18 was 114 miles. And they had water waiting for them so that
19 they were able to survive.

20 I need to know, first of all, how the water
21 got there. What transportation was used off-highway to get
22 the water out there. What roads were used to get the
23 off-highway vehicles to the point that they could get the
24 water out there. And what vehicles were used and what roads
25 to get the hikers so they could enjoy their 114-mile trek.

1 Just an interesting thought when we are
2 closing down many, many OHV routes.

3 CHAIRMAN KEMPER: Vicki, that's in the form
4 of a question. This is a time for you to put comments
5 forward. If you would like to get together with the Bob at
6 the break or something, or is that something that you would
7 like him to responds to.

8 MS. WARREN: Actually, I think it was more of
9 a comment.

10 My comment is I find it interesting that
11 proponents that are suggesting we all hike out in the
12 desert, which many of us do, voluntarily or unvoluntarily,
13 are also insisting that these closures take place. And yet
14 they have to have some way to get out to these areas. It's
15 not just motor vehicle recreation. There are hikers that
16 need to get places, horseback riders, miners, gemologists, a
17 lot of different people.

18 I also find it -- and I'm sure that many of
19 the people behind me find it -- continually insulting to
20 have to listen to "We closed it because it's not being
21 used." This has to stop. We tried to stop it. Comments
22 were sent in. You have tried to stop it. And I guess this
23 is another question and I'm sorry. You guys can address it
24 another time. How do we get the DAC to help us so that this
25 doesn't continually happen; so that our comments -- they are

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1 not being ignored, but so that our comments are being
2 weighed as heavily as they are. Again, you are all
3 appointed by us. There's got to be a way that we can all
4 work together so that we don't have to listen to another
5 time of, "Yeah, we heard everybody say it, but it doesn't
6 matter. We are going to close it anyway."

7 I get nervous up here. Sorry.

8 Jeri said something earlier about being an
9 environmentalist. And I think now is the time best to
10 comment that we are all very much lovers of the land. We
11 are very careful. The organization that I'm most active
12 with is very active in teaching the public how to appreciate
13 the land and how to keep the community in line. We want
14 designated routes. We want something clear so we are not
15 off blazing new trails and damaging the environment or the
16 tortoise.

17 But these agencies we are fighting against are
18 not environmentally related. I have an article that
19 specifies the Center for Biological Diversity is now under
20 fire -- no pun intended from the fires in Arizona -- because
21 of a lawsuit they filed. I think we have to find another
22 way of saying environmental industry, environmental
23 interests. There are a lot of environmentalists behind me.
24 I think the Sierra Club is based environmentally.

25 But the thing is some of these environmental

1 terrorists are using this as a shield, and they shouldn't be
2 allowed to. So perhaps that is something else you can all
3 come up with, another way when you are referring to these
4 groups to differentiate. There is land destroyers, there
5 are prohibitors and there are environmentalists. And I
6 don't think groups like the CBD and some of the other
7 stronger groups can be considered that, and I think it's
8 insulting.

9 I need to step aside and make a comment. I
10 think it's disgusting that we put the quality of the life of
11 a plant or lizard ahead of the quality of the human being to
12 live on this earth.

13 (Applause from the audience.)

14 CHAIRMAN KEMPER: Daryl. David Mathews.
15 Dave Mathews.

16 MR. MATHEWS: Good morning. David Mathews
17 from Ridgecrest. Look forward to seeing you all up there in
18 December.

19 There has been a lot of talk and concern about
20 access. Just before I get started here, I would like to
21 say -- make a suggestion that wherever the next location is
22 for your meetings, make sure the sprinklers aren't spraying
23 across the sidewalk. I got my shower this morning, whether
24 I wanted it or not. It came after me.

25 Also, I could use a seat on the back of my

1 seat, so consider that at your next location.

2 On the NECO plan, I thought that I heard it
3 suggested or said -- stated -- that the areas near the
4 border which were wilderness that were getting trashed by
5 vehicle use of illegals coming across the border made an
6 impact. And so they were closing down or shutting down
7 other areas that weren't in those areas. If that was a
8 misconception, I apologize. But if that is the case, I find
9 that an insult. And also the two areas that were being
10 closed because there was no evidence of them being used,
11 well, that doesn't mean that if we keep closing down other
12 areas, that they are not going to be used. So you might
13 suggest that those stay open. And I thank you very much.

14 CHAIRMAN KEMPER: Thank you, David.

15 (Applause from the audience.)

16 CHAIRMAN KEMPER: Isabella Burns.

17 MS. BURNS: Isabella Burns. And I am with
18 the American Federation of Meteorologic Society, California
19 Federation Meteorologic, and all that means is rockhound.
20 And I want to first thank all of you -- since we do not have
21 a representative on the Council for rock hounding -- I would
22 like to thank all of you for the support you have shown at
23 this meeting for us and we would like to work with you in
24 any way I can.

25 I also would like to -- a few things I would

1 also like to compliment you on. I think you have had a good
2 meeting this time. Meetings have always been one where
3 there is a certain amount of take and give at these
4 meetings. And it's hard sometimes when you see different
5 points of views from different people. You get to know
6 those people better and you see there is a point they have
7 on both sides. And many times you have to realize which is
8 the best way to go, and it has to be a take and give. It
9 can't be all one way when you are on the Council.

10 I also would like to thank Linda. She has sat
11 there very patient. I do not know Linda. I haven't met her
12 until this meeting, but she has given a lot of patience and
13 attention to this meeting. And I, for one, think that I
14 would encourage her to continue in our district office. She
15 seems to be willing to listen to our problems and perhaps
16 can be a help to us.

17 Couple of things that I would like to request.
18 As a past member of the Council, I would like to ask if it
19 would be possible for maybe the year after you served on the
20 Council that you receive the minutes of the Council.
21 Because this, I think, would be of value if you could send
22 them to the people that go off because they do still have an
23 interest. And I think it would help for us to be able to
24 support, knowing what is going on on the Council.

25 And I, too, agree that we could use better

1 seats from where we are. It's been exciting. All of the
2 new information that's out there is exciting. And that
3 happens every year it seems like. There is new information
4 that comes out from all different areas. And all that
5 information is what makes this an interesting thing to be on
6 and an interesting thing to listen to the meetings and see
7 what we can do.

8 Oh, Ron, I meant to say that you have had a
9 big job this weekend, and I think you were a good person for
10 them to elect to this position because it's not easy when
11 you have all these people that have ideas and come from
12 different areas that you are representing. Thank you very
13 much for your time.

14 CHAIRMAN KEMPER: Thank you.

15 (Applause from the audience.)

16 CHAIRMAN KEMPER: Bob Schrader .

17 MR. SCHRADER: My name is Bob Schrader,
18 S-h-r-a-d-e-r. I would just like to say --

19 CHAIRMAN KEMPER: Bob, let me stop you. You
20 need to talk fairly close to the mike.

21 MR. SCHRADER: Oh, okay.

22 About the fees, right now, about once a year I
23 buy a Forest Adventure Pass and then Off-Road Vehicles State
24 Parks Pass, and then a Golden Eagle Pass to get to the
25 forest, even though it used to be free, the forests. The

1 parks you had to pay for, but the forest is free.

2 Now you have to buy a pass to get to the
3 forest. So it's over \$100 a year. And on top of that, for
4 Imperial Sand Dune fees. And I think the buffer zone idea,
5 I think that was kind of like where they closed the areas
6 down on the east side of the railroad tracks for the
7 tortoise, supposedly. A lot of people have a suspicion that
8 was just to collect fees so you couldn't ride around, get
9 around it. And I think that's what the buffer zone thing is
10 all about is collecting fees.

11 And I have been to Rice Valley a few times
12 this last year, and I find it kind of a very historical
13 place. And they already have Rice Wilderness right there.
14 And you then have the historical part of the World War II
15 training area right there. So it's already pretty much
16 protected. Just a little area to ride, and it's nice to be
17 able to get in there so you don't have to walk from the
18 highway down to those places to see it.

19 And if there was ever a perfect place for
20 off-roading, it would have to be Imperial Sand Dunes with
21 the canal on one side and the railroad tracks on the other,
22 it's an island, a no-man's land almost. The damage was done
23 when they put those things through. And then you have sand
24 there where no tracks or anything like that. Whatever.

25 People can't say -- but you put enough people

1 in a small enough area after closing those things down, and
2 you will start to have damage almost anywhere. So it's
3 getting kind of crazy that people like me kind of have to
4 voice their opinion at the last minute before the last thing
5 is closed down. Thank you.

6 CHAIRMAN KEMPER: Thank you, Bob.

7 (Applause from the audience.)

8 CHAIRMAN KEMPER: Paige Donahue. Before
9 Paige gets started, I know that we are coming close on 12
10 o'clock. I have only got two more slips after Paige, so I
11 would suggest that we go ahead and work past 12 o'clock and
12 get those two, have lunch, and then we will have time for
13 the Council discussion and new action.

14 MS. DONAHOE: My name is Paige Donahoe,
15 P-a-i-g-e, D-o-n-a-h-o-e. I guess mine can be either a
16 question or comment.

17 I actually work with a lot of environmental
18 engineers and I know how much they love to go out and sample
19 things. So I am confused and I would actually like someone
20 to explain to me how we can write a plan or come to a
21 conclusion on something without accurate data. I guess I've
22 working with engineers for so long where I can't do anything
23 without accurate data. And I'm confused as to why we can
24 implement closures in areas that are near an already closed
25 area without going in and figuring out what has happened in

1 the area that's already closed. So I would like someone to
2 explain to me why after an area is closed, studies and
3 monitoring does not continue to be done on the area on the
4 species that caused the area to be shut down or even limited
5 to access. And I think that this Council should require the
6 BLM to conduct studies in areas that have already been
7 closed because of certain species before other areas or
8 other management plans are actually implemented. That's it.

9 (Applause from the audience.)

10 CHAIRMAN KEMPER: Paige, I would like to
11 remind you for the Council's benefit and also the audience,
12 though, we would very much as a Council like to be able to
13 require the BLM to do things. But our appointments here are
14 as advisors only. And believe me, we have been there a lot.

15 MS. DONAHOE: I guess strongly recommend.

16 CHAIRMAN KEMPER: Thank you. Ron Scott.

17 (Applause from the audience.)

18 MR. SCOTT: It's still morning. Good
19 morning. My name is Ron Scott. I represent ASA, ORBA,
20 almost all of them. Believe it or not, I don't necessarily
21 have a comment about the Imperial Sand Dunes. But I have a
22 comment about this letter.

23 This letter was written to Ms. Hansen from Roy
24 Denner, and I will call it the "management by closure"
25 letter. This letter got me more upset than probably

1 anything I have seen since when we were at the last meeting
2 in this room. The systematic -- continued systematic
3 blow-off of the consensus of this Council is and should be
4 intolerable. It's intolerable to me. It is an insult to
5 everybody who uses the desert.

6 And Ms. Hansen, I do want to welcome you. I
7 don't mean anything personal to you, but as a friendly
8 reminder, I would like you to think about who you ultimately
9 answer to. And if you don't know, ask Mr. Tim Salt.

10 The last comment I have is about the tortoise
11 and the report we heard that euthanasia is occurring in
12 Nevada about made me fall out of my chair. I want to make
13 the comment that whether or not the species is contaminated
14 or diseased is still irrelevant. We still have a species
15 here that is federally listed, and we are closing millions
16 and millions of acres of our desert over the species, and we
17 are euthanizing it? Unbelievable. I think that -- I think
18 many of you, by looking at your reactions, also thought it
19 was unbelievable. And maybe perhaps this board should take
20 a vote on that and maybe they will listen. Maybe not.
21 That's it. Thank you.

22 (Applause from the audience.)

23 CHAIRMAN KEMPER: Thank you, Ron.

24 Roger Tebo.

25 MR. TEBO: Still morning, I guess. My name

1 is Roger Tebo. I represent a small company in Los Angeles
2 County, which is pertinent I think to this socioeconomic
3 factor that Roy referred to earlier in the meeting.

4 And I would just like to say that we have
5 managed to make a living in this industry that we are into
6 here for 34 years. And during that time, in the 34-year
7 time, we have never received any help from federal or state
8 agencies whatsoever. We managed it on our own. We
9 survived, and it's kind of the way our community is, I
10 think. We are survivors.

11 And I think a lot has been said about
12 mitigation. I think our industry has been mitigated to
13 death. I think we have been backed into a corner. It's
14 almost to the point of, I would say, economic disaster for
15 us. And I would like to compliment Randy Rister on his
16 comments regarding where he is addressing some solutions
17 rather than just pointing out problems, as we hear so much
18 about.

19 And also Chuck, who spoke earlier. He said
20 that the off-highway community would be happy to supply
21 volunteers to reduce the problems that are going on and
22 welcomes the environmental community to possibly do the
23 same. And I think that's where we're at. And I'd just like
24 to thank everybody for the opportunity to speak.

25 CHAIRMAN KEMPER: Thank you, Roger.

1 (Applause from the audience.)

2 CHAIRMAN KEMPER: Is there anybody else
3 hasn't turned in a slip or who turned in a slip or who
4 hasn't been called who would like to speak? Okay.

5 MS. HANSEN: Can I have just one minute?

6 CHAIRMAN KEMPER: If you keep it short.

7 MS. HANSEN: I just want to say I want to
8 thank the group of ASA CORBA and others who got together to
9 put together these comments and the way you submitted them.

10 I have had a copy of this one for several days
11 -- couple weeks now. And I was very impressed with the work
12 you did in putting those comments together. And I would
13 just encourage you that this is a really great way to go.

14 I would also say that I will take a look at
15 ASA's specifically also, but I want to thank ASA for the
16 work that I have seen that they have done since I have been
17 here as a volunteer group and cooperating with BLM and
18 others to get work done, primarily down in the dunes. But I
19 think that's really also a very beneficial and wonderful
20 approach. And if nothing else, maybe it will help us all
21 understand each other and how things work and can work
22 together. So I just, you know, while you are all here, I
23 just want to say thank you. I think that was a tremendous
24 effort, and I appreciate it.

25 (Applause from the audience.)

1 CHAIRMAN KEMPER: Before we adjourn for
2 lunch, I'd kind of like to talk about what we are going to
3 do this afternoon so everybody can be prepared, and
4 hopefully we can accomplish in a very short period of time
5 what we need to. And I say a short period of time because I
6 believe that our agreement is we will be out of this
7 building at 3 o'clock. And so we are going to have to be
8 pretty efficient about what we are doing.

9 We had passed a motion yesterday that any
10 motions that were made would be done in writing. I would
11 suggest that everybody on the Council, if they have thoughts
12 in that regard, maybe take those with them to lunch. Make
13 them out. Write them down and have them ready to go.

14 We are also going to have a facilitated
15 discussion. I'm going to request of the facilitator that we
16 are done by that no later than 2 o'clock. We will reconvene
17 back here at 1 o'clock. And we are now off the record.
18 Thank you.

19 (Lunch recess was taken.)

20 CHAIRMAN KEMPER: The time is now 1 o'clock,
21 the beginning of the afternoon session.

22 MS. HANSEN: Mr. Chairman and members of the
23 Council --

24 CHAIRMAN KEMPER: I don't think we have a
25 quorum yet, unfortunately.

1 MR. DANNA: Gentlemen, let's please get
2 started. I will now call the meeting to order, and we are
3 on the record.

4 MS. HANSEN: Thank you. What we are going to
5 try to do in the next hour here is to wrap up a couple of
6 agenda items on your agenda to be one, one this morning and
7 one this afternoon dealing with plan implementation.
8 Thinking about some strategies and priorities for that, and
9 then rolling into your future projects and involvement with
10 the agency as we move forward in some of these planning
11 efforts and other activities over the next year or so.

12 So Tony Danna is going to help me with this,
13 help facilitate this. I also hope to have some help from my
14 field managers because we kind of walked through this.

15 What I wanted to do mostly is to lay out in
16 front of the Council how you may be able to help us on some
17 of these things in the future and whether or not that's a
18 role you might want to play and how effective you might be
19 in that.

20 So Dick, you want to give them the handout,
21 please? Somebody told me I'm supposed to do this like a
22 rock star (referring to microphone). I don't know anything
23 about being a rock star.

24 MR. DANNA: Rockhound.

25 MS. HANSEN: I know about rockhounding.

1 Basically, what Dick is handing out for you is
2 sort of a first phase shot that we took at looking at what
3 some of the types of activities would be in implementation
4 as we get into and complete these plan amendments and as we
5 continue on our work.

6 I would like to draw the Council's attention
7 to some maps along the back wall behind you that we put up
8 this morning. Those maps actually represent the entire CDCA
9 area. So all of these amendments even though they are
10 regional in their focus, would fit within that area of that
11 map. So it begins to give you sort of a picture, if you
12 will, of how some of these actions are going to fit together
13 and overlap.

14 Now, granted, as you know, our plans are at
15 various stages of completion. We don't have Records of
16 Decision on any of them other than the existing plans. But
17 what we have tried to display as a starting point here is
18 just what we have in the NEMO and NECO final -- is this both
19 NEMO and NECO? In the planning efforts that are final, some
20 of those actions are displayed across there. And then some
21 of the very preliminary proposals on some of the other
22 activities that we could pick up.

23 Coachella Valley in particular, because it's a
24 draft on the street, we picked up what was in that. And I
25 think on the route designation map and a couple of other

1 places. But anyway, what we would like to have you start
2 doing is begin thinking a little bit broader when we start
3 talking about the whole CDCA. And keep in mind, when we
4 talked about yesterday what the budgetary implications of
5 doing this stuff are, you have some kind of an estimate, I
6 guess, from prior time that says something like \$20 million
7 a year to implement this plan. That may not be totally off
8 base in terms of what the costs are.

9 But what I would like for us to do is try to
10 set some strategy in place that will recognize some things
11 are going to be done sooner. Some things are not going to
12 be done until later because that's the way we can get them
13 done. Or maybe there is a logical order to doing that. And
14 then also try to be somewhat realistic on what we might
15 consider to be a budget at the end of this process that
16 would sustain us over the next 10, 20, 25 years under
17 implementation of this plan.

18 So that is basically the concept here, is that
19 the Advisory Council can help us begin to perhaps lay out a
20 strategy based on where you feel and your constituents feel
21 is the most critical, perhaps, areas to start on.

22 So if you take a look at what Dick handed to
23 you, basically it talks about a few things. It talks about
24 sort of what I have just described as our purpose here a
25 little bit. And then it talks about some priority

1 groupings, and again, these are very, very preliminary here,
2 just based on sort of our guess about what kinds of things
3 are going to come first. Then it kind of runs through a
4 listing of the kinds of activities that we would be doing.

5 And I would like to do a little bit -- first,
6 I guess, I would like to ask the Council, you know, as we go
7 forward, is this something that you all think is a concept
8 you could be a part of, would be interested in being a part
9 of, would want to play a role in? Again, understanding that
10 this is just to begin to help the agency lay out its plans
11 over the future, the next few years.

12 CHAIRMAN KEMPER: Would any of the City
13 Council people like to comment or answer? DAC. I'm sorry.

14 I do have a comment. And that is that I am
15 very, very much concerned in the overall budget and the
16 implementation that will be constrained by the budget and
17 what are going to be the priorities in the fallback
18 positions for that budget?

19 For example, if we have a plan that costs \$100
20 million a year to implement, or more, and our actual budget
21 is going to be \$10 million, where is that \$10 million going
22 to be spent? And how are we going to stay within the -- in
23 other words, building fallback positions for the plan so we
24 are still in compliance with the plan I think is very
25 important, because we don't want to be sued once again for

1 not implementing a plan that we don't have money for. So
2 that's my concern.

3 MS. HANSEN: Yes. I think we share that
4 concern with you, Ron. So part of the -- part of that
5 thinking needs to be what's real or what can we do.

6 CHAIRMAN KEMPER: Just to answer your
7 question, I very much have an interest in participating.
8 Anybody else? Ilene.

9 MEMBER ANDERSON: I certainly know that even
10 though the plans, they are not final, but even though we
11 don't agree with every part of all of the plans, I know that
12 the Native Plant Society has continued to participate with
13 the BLM to ensure good plant conservation, and we intend to
14 continue to do that as well.

15 I guess one specific question I have for you
16 with regards to the handout is, I want to understand this
17 document a little bit better. Is this cast in stone, so to
18 speak, or is this just an example that you have put out as
19 to what your preferences are for implementation of different
20 parts of these plans? Or are you asking us to evaluate this
21 and see what our -- what we think should be high priorities
22 for implementation?

23 MS. HANSEN: The short answer is, the latter
24 is correct. And I do want to reemphasize. This isn't
25 something set in stone, but perhaps stimulate thinking by

1 putting down on paper some of those things we would
2 consider. And again, I don't want the Council to think that
3 you buy into every decision in these plans or agree with
4 everything in there because I know that is probably not
5 going to be the case.

6 MEMBER MC QUISTON: Just a quick comment, if
7 I may.

8 Once a determination is made to implement a
9 plan, then I think it's important for this group to make
10 recommendations. I'm having difficulty getting to the point
11 of saying, let's implement the plan. And it's still tied
12 intrinsically to the recovery plan.

13 And the fact that we are getting ready to put
14 into place land management plans that will be with us in the
15 foreseeable future, when we have a recovery plan that, even
16 though not your agency, within your department, a promise
17 was made that we would come back and revisit it. And
18 depending on the outcome of that and what we have learned in
19 the ensuing years, it could have significant effects on how
20 we go about managing at least the Keystone species of desert
21 tortoise.

22 And if you add to that some of the discussion
23 yesterday where some of the maps that we saw in terms of
24 populations were based on some level of going out and
25 identifying signs as opposed to the transects that we are

1 doing now. And the general perception that this -- using
2 merely signs is something that in some aspects of management
3 has been discredited as an effective tool to affect
4 population densities and there is a direct relation between
5 population density and recovery.

6 So at some point in time I'm not ready to turn
7 loose the obligation of the Department of Interior to follow
8 up on the recovery plan. And I know that the agency, BLM,
9 is under time lines with the courts in order to do the
10 environmental documentation and reach a Record of Decision.
11 But I'm not ready to implement a plan as long as there is a
12 promise and an IOU out there that we need to look further.

13 So once I get past that, if the decision is
14 made to implement, then, yes, I think this group ought to be
15 a part of it. But I think it's really premature for me to
16 say I'm ready to go to that step in the process.

17 MS. HANSEN: I would just say you are right.
18 This is very early in the process. But I think one of the
19 long-term kind of problems that we always have is we wait
20 until the last minute to plan out some of these things for
21 implementation. And I think there needs to be more started
22 earlier, given the fact that we understand that conditions
23 can change. And until as you say, Jon, these plans are
24 agreed to implement.

25 Also, I think, you know, this is still pretty

1 broad in its generalizations of areas we might look at. So
2 hopefully, we are not tying ourselves too tight.

3 MEMBER MC QUISTON: Right. And I would like
4 to see some sort of language that says that when -- because
5 I believe we will -- get to a recovery plan, that we can go
6 back and adapt these plans accordingly.

7 CHAIRMAN KEMPER: Roy.

8 MEMBER DENNER: I agree 100 percent with Jon.
9 I think discussing implementation of these plans is
10 significantly premature because there is going to be
11 significant litigation to prevent the plans from being
12 implemented the way they are, I can promise you that.

13 But I want to point out something, Jon, that's
14 not clear in everybody's mind. And that has to do with
15 court order. You understand that the BLM is under a court
16 order for their time line. Early on, we had our attorney
17 write a letter to the judge that made the decision about
18 this lawsuit asking for clarification.

19 The judge came back to us and said, I have not
20 ordered the BLM to do anything other than to live up to the
21 stipulations between the plaintiff and the defendant, which
22 says to me that there is always a possibility that if there
23 is a good reason, like I would think both the plaintiff and
24 the defendant would want to have good science on the desert
25 tortoise before implementing any plan, that says to me that

1 these two parties could get together and agree to slide that
2 time line so that we can do it right once and for all. And
3 the court will certainly, based on his decisions in the
4 past, the court would certainly buy into slipping that time
5 line if both parties would agree. It's not a court order --
6 everybody keeps saying, Oh, we have to do this because the
7 court has ordered us to do it. You guys have to live up to
8 your agreement. That's all.

9 MS. HANSEN: All I would say is Roy is
10 correct in that there was an agreement between the agency
11 and the Center which settled the existing litigation that
12 was in front of the judge. And what we continue to do, of
13 course, is have status checks on whether or not we are
14 meeting those commitments. And so that's probably a fair
15 characterization, Roy, of where we are with the lawsuit
16 right now.

17 However, I guess I would say it would be nice
18 if we could agree to agree. And we have agreed to agree on
19 certain elements and changes in schedule. And in fact, some
20 of this plan work is based on agreements and changes in
21 schedule. So --

22 CHAIRMAN KEMPER: Linda, if I may. I think
23 Roy has made a very good statement, and we have all promised
24 to do our best to communicate accurately with each other.
25 Does the agency -- would it be beneficial to the agency to

1 go back to the Center and ask for some flexibility in the
2 time line, and is the agency willing to do that?

3 MS. HANSEN: Boy, I talk for a lot of people
4 when I say these things, I guess. We've -- we have set, I
5 guess, for ourselves a path that we believe we can deal with
6 most of the issues that need to be dealt with under the
7 lawsuit plan contentions by moving ahead with some of these
8 things we have set in place.

9 I guess the agency at this point does not feel
10 that slowing down the processes for getting through the
11 plans is going to do as much for us as continuing to move
12 ahead with those and get beyond where we are and sort of
13 what stimulated this litigation to begin with.

14 I think one of the gentlemen in the audience
15 earlier mentioned there are things that sort of fall off as
16 activities are done, and that is true. There are sunset
17 dates on some of these things that are in the lawsuit. So
18 we are trying to reach those sunset dates as we can.

19 He also made a comment, and I guess I would
20 support that, that many of these things are not determined
21 to be permanent. However, some of those same actions will
22 be considered in these plan efforts. So the question I
23 guess comes back into the plan as to whether or not those
24 actions become permanent.

25 CHAIRMAN KEMPER: Is it fair to characterize

1 your answer that at this time, you don't feel the need to
2 ask the Center for more time?

3 MS. HANSEN: We haven't, no.

4 CHAIRMAN KEMPER: Thank you.

5 MEMBER MC QUISTON: Just one comment. One of
6 the areas I think it's important for this Council to engage
7 on going back to the implementation and the budget issue
8 here is whatever we can do to ensure that there is adequate
9 funding, because I assure you if everybody at this table
10 could agree on a plan, and we don't have the dollars to
11 implement it, it's still going to be brought back to the
12 legal arena.

13 So whatever we implement, I think this Council
14 needs to engage itself through whatever processes we can to
15 stress the importance to policy makers, legislators, and so
16 forth, if you don't put money into this, it's not going to
17 ultimately achieve the intended desires because it takes
18 money to execute. Quite frankly, I believe that the only
19 failure of the California -- the CDCA of 1980 wasn't that it
20 wasn't a good management plan, but the Congress never
21 stepped up to the plate and the agencies never stepped up to
22 the plate. And a plan is only as good as your ability to
23 fund it and execute it.

24 MS. HANSEN: That has been the criticism,
25 Jon, so I think we would like to maybe not go there again.

1 CHAIRMAN KEMPER: Ilene?

2 MEMBER ANDERSON: I'm taking off my CMPS and
3 weighing in as a person up here, because tortoise is not one
4 of our issues that we typically address. However, I will
5 say, you know, I think that the recovery plan -- I agree
6 with Jon. It should be revisited. It's been too long and
7 there is a lot of new information out there that could be
8 evaluated and incorporated into an update. But at the same
9 time, I think that at least in my quick perusal of the NEMO/
10 NECO plans with regards to desert tortoise and from what I
11 have heard at the West Mojave Plan, that there is a lot of
12 adaptive management. And I don't see that we will ever be
13 able to answer the question once and for all how to best
14 take care of the tortoise because it's one of those
15 biological organisms constantly changing, and different
16 pressures are having different effects on it.

17 So I think it's beneficial to have the plans
18 going in place and start implementation. And then as more
19 information becomes available, that that's taken into
20 consideration in the adaptive management part. And also add
21 that it's a shame we are just advising the California Desert
22 District because it would be really fun to be able to advise
23 Department of Interior.

24 CHAIRMAN KEMPER: Bob.

25 MEMBER ELLIS: Yeah. I also would like to

1 support our involvement -- or mine, especially -- in working
2 with priorities with respect to plan implementation. You
3 don't seem to have a place for money on the side of each of
4 these, and hopefully, before we get too serious about it, we
5 could put some figures there so we know what we are talking
6 about. We don't want to put a lot of time on something we
7 think is really important but costs too much money. We need
8 to put figures there before we get serious about it.

9 MS. HANSEN: I recognize that needs to be a
10 part of the equation. I also think that if we want to focus
11 on something that is really, really important, and it may be
12 the most expensive item in the planning, we need to be able
13 to say up front, that's what it is. And if there are
14 budgeting strategies we can apply that would help us get
15 there, then we need to look at what those are.

16 CHAIRMAN KEMPER: I have a couple questions.
17 I know that, like, when the forestry or parks develop a
18 plan, as part of the plan they have funding fallback
19 positions as part of the plan, though that doesn't seem to
20 have been addressed in this particular plan. And that's
21 just a comment. I think it's a good thing for us to do.
22 The other thing is my understanding is we are required to
23 have a plan. Are we also required to implement a plan?

24 MS. HANSEN: Well, I think the assumption is
25 if you have one, you will at least try to implement a plan.

1 CHAIRMAN KEMPER: In business, I never try to
2 assume. The question is, are we required to implement the
3 plan?

4 MS. HANSEN: Maybe I can defer to, Derrick,
5 do we have language in the bill that says we will implement
6 a plan? Or does it say we will have a plan for the CDCA?

7 UNKNOWN SPEAKER: It says we have a plan for
8 the CDCA, but the plan only related to the -- the original
9 plan that had been completed by 9-30 of 1980, and it doesn't
10 talk further about it. The plan did contain an
11 implementation plan, but that went by the boards.

12 CHAIRMAN KEMPER: So it's not a requirement
13 that the plan be implemented?

14 MS. HANSEN: No.

15 CHAIRMAN KEMPER: Is that your understanding?

16 MR. DANNA: One of the things I think that
17 led to the lawsuit was that we weren't implementing it. So
18 that's why we came up with the amendment, because we were
19 dealing with information from the late '70s. So I guess the
20 question is, at least my understanding and why the judge
21 found credibility with the complaint, was that we had not
22 implemented what we said they were going to do in 1980.

23 MS. HANSEN: I would agree with that.

24 CHAIRMAN KEMPER: I am getting back to the
25 emphasis that started the plan. I think we were required

1 through congressional mandate to come up with a plan.

2 MS. HANSEN: That's correct.

3 CHAIRMAN KEMPER: And the judge may have
4 interpreted that, because we came up with a plan, that he
5 thought we should implement it. But in the documents I
6 reviewed from Congress, I can't find anything that said that
7 not only do we have to come up with a plan, but we have to
8 implement it. And Gerry is standing up jumping up and down.

9 MR. HILLIER: I am in no position to speak
10 for the bureau for anything after 1992. But it's my
11 understanding that the California Desert Plan did exist and
12 still exists that was created in 1980. Subsequent to that,
13 a lot of implementation plans, ACC plans and so on, have
14 been developed and proceeded to implementation, which
15 further refined the decisions in the desert plan.

16 The things that changed and probably the big
17 thing that changed was the listing of the desert tortoise,
18 which triggered, then, a reanalysis -- and that would have
19 happened even without the Desert Protection Act of the '94
20 which triggered a reanalysis of these plans. And there was
21 a decision made by BLM that those should be done on a
22 regional basis; ergo, Western Mojave, NECO and NEMO, which
23 were viewed as bioregions and appropriate subregions of the
24 desert on which to undertake plan amendments to implement a
25 strategy for protection of the desert tortoise.

1 MS. HANSEN: I will probably get a bill from
2 the consultant now.

3 CHAIRMAN KEMPER: Let me know if you do.

4 MS. HANSEN: I guess what I would say is that
5 the agency's intent is to implement the plans. And that we
6 do put together an implementation plan as part of our
7 planning efforts. That they do lay out, as you saw on some
8 of these program slides this morning, we talked about
9 implementation and what that implementation would basically
10 entail.

11 It didn't have dollars other than, I believe,
12 for Coachella Valley. Jim did give you some sort of project
13 amounts, and they are quite high when you look at it
14 planwide overall. But it is the agency's intent to
15 implement the plans. Once they are final and approved, once
16 through litigation, once we are to that point, all of those
17 things are factors that have to roll into here. But
18 obviously -- I think most agencies, let's face it, it's
19 costly to do land use plans. We are out of the business of
20 planning just for the heck of planning, and we are driven to
21 do these various things, so when we get them done, we want
22 to implement them.

23 CHAIRMAN KEMPER: I understand. Is it a fair
24 characterization that the implementation of these plans
25 would be limited by their funding?

1 MS. HANSEN: I would say yes. I think it's
2 also why we need to come up with some sort of strategy and a
3 priority-setting process that will allow us to figure out
4 how we are going to do that.

5 CHAIRMAN KEMPER: Thank you.

6 MEMBER MC QUISTON: There is a wonderful
7 commercial out on the street where a CEO goes into the table
8 and he says, "Here is the strategic plan." And he says,
9 "Can we execute it?" And the answer comes back, no. And I
10 don't care how good your plan is, if it's not executable,
11 it's of little value. So Glen, I would go back to, I
12 believe, one of the fundamental things this group needs to
13 do is through our legislators say, do not implement unless
14 you are going to fund whatever these quantifiable levels are
15 that you have identified. Secondly, do not execute until
16 such time as we have some sort of commitment from the Fish
17 and Wildlife Service that they will revisit the recovery
18 plan and whatever comes out of that can be applied to
19 adaptive management.

20 (Applause from the audience.)

21 MEMBER SMITH: I guess it is on.

22 Paul Smith, representative of the
23 public-at-large. This may seem a little bit like a switch
24 in topic, but I notice on page 2 of this handout, you have
25 given high priority items to republishing the desert guides

1 and creating public education programs.

2 And in business -- I'm a business person --
3 sometimes you look at when you are going to need to be ready
4 for something and then you count backwards as to the steps
5 you need to take to be there. And I don't know whether the
6 BLM thinks in terms of marketing strategy or not, but there
7 are certain simple things that you do. First of all, what
8 you do is you identify when you are going to do these
9 education and public programs. You identify the markets
10 that you want to reach. And then you identify the different
11 types of techniques to reach those markets. And then you
12 say; okay, to get those techniques going, we count
13 backwards, and are we developing a photo bank, of photos of
14 the different areas that can be accessed by journalists as
15 well as by our own internal staff to do these things?

16 Are you developing a fact bank of key points:
17 Why do wilderness areas exist, for example. The BLM put out
18 some wilderness area guides -- don't ask me what they were
19 called -- but in the guides there was one page devoted to
20 each of the wilderness areas that were created. And the
21 information was so skimpy that as a person in the
22 tourist-related visitation business, it was hard to find a
23 reason to refer somebody out there.

24 And I'm thinking of one particular publication
25 that's put out by the Eastern Sierra Regional Coalition,

1 whatever they call that, that runs the visitor's center at
2 Lone Pine. They put out a really kind of easy-to-read guide
3 for much of the area that they cover, which is almost in
4 comic book form, but not in comic book form, with
5 interpretive information on maps on where you are at and
6 where you can go up there. Plus, of course, they have a
7 whole range of publications for sale.

8 I have a feeling that this is such an
9 important area of our state. Increasingly, we see there is
10 such substantial interest that there is a great deal that
11 could be written and will be written and will be published
12 about it. And one of the difficulties is accessing the
13 data.

14 So if you encountered that when Mr. Denner is
15 going to let you proceed with these plans, then you would
16 have somebody have in the back of their minds developing
17 that data bank so that that sort of information can be put
18 together. That's just a marketing thought.

19 MS. HANSEN: And a good one. Well, I sense
20 there is at least interest on the Council's part to want to
21 continue to work with us on some sort of a strategy. And I
22 think that's as far as we can take it today, because we
23 don't have numbers, we don't have final decisions. But we
24 want to start thinking about that. So if you all agree, we
25 will continue to kind of come back to you as we go through

1 this waging -- you know, whatever we are waging here -- to
2 get through the plans and get on to implementation.

3 CHAIRMAN KEMPER: I just want to thank you
4 for asking for our advice.

5 MS. HANSEN: You know what? It was my
6 pleasure. Okay.

7 I will turn to my field managers and ask you
8 if you have anything you want to weigh in here.

9 This next piece we are going to do really is
10 to involve the Council in future project work and future
11 things. You have some things up on your bin that we have
12 talked about through the couple of days here, that we want
13 to make sure we fold those in. But there are potentially
14 some opportunities out in front of us where you may want to
15 play a part as members of TRTs or as a full Council. So we
16 would like to try to get some of those down.

17 It will help us also be able to carry through
18 agendas and setting up for you field trips, those kinds of
19 things as you work with us over the next months and years,
20 hopefully, to deal with issues in front of the BLM.

21 So to kind of start with a couple of things up
22 on your bin list. I think we have already taken care of the
23 approval of minutes issue. I don't think we need a
24 resolution for that. I think that we can just make that
25 happen for you. That your approval of minutes can be a

1 standard item on your agenda, and we can make sure that your
2 minutes are in the hands of the Council members prior to and
3 soon after each meeting and prior to the next one. So if
4 that meets your needs, we can commit to do that.

5 CHAIRMAN KEMPER: If I may address my
6 question to the court reporter or the stenographer, how much
7 time do you need to get back an original hard copy to the
8 bureau?

9 THE REPORTER: Our normal turnaround time is
10 two weeks, if I can get all of the research information I
11 need.

12 CHAIRMAN KEMPER: Would be it a reasonable
13 request of this Council to the agency to provide us with
14 minutes within 30 days of when the meeting was taken?

15 MS. HANSEN: Doran, does that sound
16 reasonable?

17 MR. SANCHEZ: Generally we try to get back in
18 two weeks. It takes one more week to get it posted. 30
19 days is reasonable.

20 MS. HANSEN: Thirty days is reasonable and
21 that will be our goal.

22 CHAIRMAN KEMPER: Thank you very much.

23 MS. HANSEN: You are welcome. Okay.

24 The Wild Heritage Act is, of course, the
25 Wilderness Bill which we discussed a little bit. That's

1 going to be an agenda item for your next meeting, so we will
2 talk with your chairman about the best way to get that
3 information in front of you, whether that is inviting
4 someone from the senator's office to talk to you. I mean,
5 there are some competing interests out there right now. So
6 we will do what we can to get you good information about how
7 that is looking.

8 MR. DANNA: Both of these?

9 MS. HANSEN: Yes. And try to get you some
10 maps. One of the issues that comes up for the agency is
11 because we are sometimes the keeper of the best maps. They
12 come to us and ask us to put those together. That is not
13 really a function that we want to do for this. So we will
14 continue to ask for those from appropriate sources for you
15 to try and get you some good maps.

16 Tim did take a shot of putting together some
17 stuff, as Harold told you yesterday. They sort of have an
18 idea. Anyway, as a commitment to the Council is what I will
19 say for the next meeting, we will try to get you some decent
20 maps to look at and provide you some information on what the
21 bill is and where it is.

22 Timing and notices? I think -- is that also
23 sort of wrapped up in the minutes and those kinds of things?
24 We talked a little bit yesterday about it takes us about 60
25 days now to get your notices through all the approvals and

1 departments to get them into a Federal Register, to get
2 appropriate timing. We will start on your next meeting
3 notice like Monday in order to get it through the process
4 and get it out, because you have less than 90 days before
5 your next meeting. So in timing, there, we will try to do
6 better with that. Are there other notices that are tied up
7 in that?

8 MR. DANNA: There was a little discussion on
9 the field manager reports.

10 MS. HANSEN: Field manager reports. Can I
11 have a commitment from field managers that we will be able
12 to send out your reports now that we know what the date of
13 the next meeting is in advance of that by a couple of weeks?
14 Will that work?

15 MR. THOMSEN: I'm just wondering what's a
16 good balance between getting them out early and not getting
17 them out so early that we are they are not current. So
18 maybe we ought to talk about a specific target, whether it's
19 two weeks in advance or whatever.

20 CHAIRMAN KEMPER: My personal desire -- and I
21 will be happy to listen to any of the other Council
22 members -- would be two weeks. I think two weeks prior to
23 the next Council meeting. And hopefully, not so much will
24 happen in that two weeks that it won't be easily updated.
25 And if that's a realistic goal for the area managers.

1 MS. HANSEN: Do we have consensus with that?
2 Tim and Mollie, are you okay with two weeks prior to the
3 meeting? Can we provide that?

4 CHAIRMAN KEMPER: That two weeks, I'm
5 assuming it's a goal for them to have them in. And we could
6 receive it in the following week, so it would give us a week
7 prior to the meeting. In other words, we wouldn't be
8 receiving it the day of the meeting. We would have some
9 opportunity to review it.

10 MS. HANSEN: One of the things we also do
11 with our Advisory Council up north, and I guess I would ask
12 on this sort of issue of preliminary information to the
13 Council prior to their meeting, is that if there are issues
14 or situations that you need to be working on in your
15 meeting, if we are asking you for some kind of decision
16 making process at that meeting, we try to get those out in
17 advance, along with the manager's notes. Now, is that
18 something that would also be helpful to you and would you
19 want us to try to achieve that?

20 CHAIRMAN KEMPER: Yes.

21 MS. HANSEN: Okay. We will do.

22 MEMBER ELLIS: I think as part of this
23 up-front process, we need to get the agenda put out at that
24 same mailing so that both it gets put on the press release
25 for the public to understand what days things might come up

1 and how it would go, and for us to know a week in advance.

2 CHAIRMAN KEMPER: I think the actual agenda
3 has to be done 30 days in advance.

4 MEMBER ANDERSON: I believe it isn't a
5 requirement for the Federal Register notice. In the past
6 when we sort of had our act together, we have done that.
7 But it isn't a requirement for the Federal Register notice.
8 However, I agree that it's very helpful to have that all
9 nailed down so that people can come to the part of the
10 meeting that has their interest.

11 CHAIRMAN KEMPER: I will try to make a
12 commitment to everybody that I will work with the District
13 Manager over the next 30 days and try to have the agenda for
14 the following meeting published well in advance.

15 MS. HANSEN: I believe it's the policy in the
16 agency that we will get your agenda posted 30 days prior to
17 the meetings, which is one of the reasons we are trying to
18 give us this lead time. And yes, we will need to have the
19 chairman's time in order to finish that out. And also, we
20 will need to have the Council's responses to when we put out
21 a call for agenda items. You need to get those back to us
22 so we can work those in. So thanks, Ron.

23 CHAIRMAN KEMPER: Would it be a time saver to
24 you if we can have those responses sent directly to you.
25 I'm only 20 minutes from your office. I would be happy to

1 go over and take a couple hours out of both of our times and
2 try to get it handled.

3 MS. HANSEN: If Roy trusts me, you can send
4 them to me.

5 MEMBER MC QUISTON: On the related subject
6 here, I know that we have gone through a lot of transition
7 between the last meeting and this meeting. But one of the
8 things that would be very beneficial also is not only the
9 agenda in a reasonable time before the meeting, but the
10 staff reports or any of the information that's to be
11 provided to us so that we have a chance to read it and
12 digest it. It's too late when we arrive here and try to
13 read all of the information that's given us.

14 MS. HANSEN: Some of the information that's
15 presented as, say, what we did with you with the WEMO plan,
16 there really isn't a way to get that in advance here. But
17 other background information, yes. We will try to get you
18 everything we can two weeks in advance of the meeting.

19 MEMBER MC QUISTON: That's reasonable.

20 CHAIRMAN KEMPER: Bob, did you have a comment
21 or question? Bob Ellis? I thought you had signalled. No?

22 MS. HANSEN: Okay. I think that brings us up
23 probably to the future issues part that I wanted to get to
24 with all of you. And I would like to -- let's see. You
25 have groundwater, route designation, air pollution concerns;

1 right-of-way, access concerns, revisiting resolutions, rare
2 plants.

3 I think some of that was a request for some
4 information. I think the rare plants -- was that not a
5 report that we were going to try to make available to you?
6 When that's available, we can do that.

7 Right-of-way access concerns. I'm sorry.
8 Somebody is going to have to refresh my memory about that.
9 I'm not sure exactly what that is. Did we not address that
10 in the course of other discussion?

11 MR. DANNA: Yeah. As I recall, I put that up
12 there because there was major discussion that we needed to
13 talk about the designation of routes, the concern about the
14 rural areas, and the routes having access to areas. That
15 was early in the discussion, and I think I put it up there
16 so that we made sure we covered it. If we feel we covered
17 it, then I can check it off.

18 CHAIRMAN KEMPER: As I recall, that was at
19 Jon's request. And the economic base.

20 MEMBER MC QUISTON: Yes, I did, when I came
21 in yesterday, talk about when we get into the process of
22 route designation and you look at an aerial imagery or you
23 look at a map and your first impression is, boy, that's a
24 lot of clutter, that's a lot of spaghetti. We don't need
25 all that. But whenever you actually go into the rural areas

1 and the economic engine in these rural areas is based upon
2 agriculture. It's based upon extraction. It's based upon
3 recreation. It's based upon recreational activity. And
4 this little road that may seem insignificant that goes to a
5 water trough or this little road that goes to this viewpoint
6 may seem insignificant and unnecessary.

7 But in the stream of commerce in the rural
8 areas, these roadways are like the capillary system within
9 our circulatory system. They may not be an artery or vein
10 or main highway, but they are just as important to the
11 economic well-being of that region as something major is to
12 someplace else. And it certainly needs to be factored into
13 the discussion and the decision making process with respect
14 to route designations.

15 And I'm not sure that we have answered that
16 because when we get to the point a little later today where
17 we are going to make some recommendations in terms of
18 recommendations to you, one of the things that I'm going to
19 recommend has to do with the route designation matrix that
20 basically says that under FLPMA, where you have
21 congressionally protected types of activities, clearly there
22 is a balancing test that takes place. But if we are going
23 to take away one congressionally protected activity for
24 another congressionally protected activity, be it
25 conservation or protection of the environment, we need a

1 higher standard than something that "may" or "likely"
2 enhance a conservation area. So I'm not sure we have come
3 to closure on that. And I will be posturing some sort of
4 motion later today that would affect the standard by which
5 we determine whether or not a route should be left open or
6 closed based upon speculation maybe as opposed to something
7 stronger like "demonstrate that it will."

8 MS. HANSEN: So in reference to the --

9 MEMBER MC QUISTON: Route designation.

10 MS. HANSEN: And the decision tree.

11 CHAIRMAN KEMPER: Ilene. I am going to let
12 her go.

13 MEMBER ANDERSON: Mine is off subject.

14 MR. BETTERLY: Ron, maybe -- you know, every
15 one of these route closures or something in the different
16 three or four counties or whatever they are, has a hell of
17 an impact on the county itself. Maybe we should have some
18 input in these from the county that is impacted. And
19 whether it's Imperial or Kern or San Bernardino County, we
20 can get it, I'm sure, here. And I don't know that the
21 bureau ever contacts the county to see whether or not it has
22 an impact on them. But this Council should know whether it
23 is or not.

24 MS. HANSEN: Well, case in point: In
25 particular, in ACP plans that are in draft and Western

1 Mojave as an example, the county is a part of that planning
2 group. So definitely, we have gone to the county to ask
3 them, and in fact, are trying to work out, as Bill Haigh was
4 saying yesterday, some of those economic impacts and have a
5 better idea for how we are going to do that.

6 So we are going to the counties, and I would
7 support that the counties need to help us with that because
8 you have the best idea where some of that comes from.

9 MR. BETTERLY: Linda, I know that you maybe
10 get this from the counties, and maybe the person that's
11 representing the county to you would be a different one than
12 the county would have here in front of us. That person
13 would -- I'm sure the supervisor would make damn sure he had
14 the knowledge to talk to us to tell us the impact.

15 MEMBER RISTER: In association with this
16 discussion on routes as well as the discussion we will have
17 on the future agenda item concerning the Boxer Wilderness
18 Bill, I'm going to mail to each member of the DAC and to
19 you, Linda, a copy of a publication that I submitted to the
20 DAC back in '94, I think it was, on the previous wilderness
21 bill. It's titled, "When a Road is Not a Road."

22 It basically is a policy -- administrative
23 policies changed by USGS classifying all routes and all
24 roads into five classifications: Paved freeways, paved
25 secondary county roads, maintained gravel roads, if they are

1 maintained every six weeks, and then non-maintained roads,
2 mine roads, or classification 5 was Jeep trails.

3 Now, in order to designate many of these
4 wilderness areas in '94, classifications 4 and 5 were
5 omitted administratively. So these roads within these
6 wilderness areas could be classified as nonroads in order to
7 make the wilderness meet the wilderness criteria. I'll be
8 resubmitting go that out to all the DAC members because that
9 does have impact on the road wilderness bills and the
10 routes.

11 CHAIRMAN KEMPER: While we are still on this
12 point, just as an illustration, Linda, I will share with
13 you -- and first of all, I will qualify it by saying I have
14 a wonderful area manager as a grazing interest. I have, in
15 my estimation, a grazing authority in Bernice McProud or
16 rain specialist that I think is very good and very
17 communicative and have had probably weekly conversations
18 with my area office.

19 However, I did have my pipeline road and one
20 of my tanks completely restored in a week's time. And
21 unfortunately, because nobody made a phone call to find out
22 if I had any improvements in that road, they had to come
23 back and unrestore it, and we communicate a lot. So
24 mistakes happen. I think if we continue to build on
25 communication and making sure we are talking to all the

1 affected interests, we will get a much better product.

2 I think Ilene had something.

3 MEMBER ANDERSON: This is a general comment,
4 and hopefully will be helpful for the DAC members. I know
5 that in the past when I was first on the Council, there was
6 a lot of history that had already been laid through previous
7 Council participation in the form of resolutions on
8 different issues.

9 And sometimes I think that information can be
10 beneficial to those of us sitting at the table today. So my
11 suggestion might be for those issues that we are going to
12 continue to visit throughout each of our tenures, if there
13 have been past Advisory Council recommendations to the BLM
14 that they be -- I know Doran is going to hate me for this --
15 but perhaps from previous sets of minutes, if there are
16 resolutions available to sort of give us background on how
17 we got to where we are now, I think that could be helpful.

18 MS. HANSEN: I guess my only question would
19 be, is that only on those that are germane to things that
20 you are dealing with now? Or do you want to see all of
21 them?

22 MEMBER ANDERSON: Well, I think it would be
23 helpful for issues that we are going to continue to deal
24 with. So for instance, if an issue comes up and an Advisory
25 Council has taken previous action on that issue, that that

1 be -- that we have an opportunity to review that. Case in
2 point -- one I wasn't involved with -- but I know that the
3 Advisory Council historically has taken several different --
4 has passed several different recommendations on to you with
5 regard to the Fort Irwin expansion. And I'm not saying
6 that's something we are going to take up in the future, but
7 it's nice to have the historical perspective to where we are
8 today.

9 MS. HANSEN: Doran, do you know exactly how
10 we would go about doing that? Is that a doable kind of
11 thing? For past? Or is that something we need to implement
12 for future?

13 CHAIRMAN KEMPER: Question for clarification:
14 How far past?

15 MEMBER ANDERSON: Well, I think that it's --
16 theoretically, there have been minutes taken for all of the
17 meetings that the Advisory Council has had, and I don't know
18 if they are currently available. But just the historical
19 perspective. It's great to have Gerry here because he can
20 fulfill some of that historical perspective, and that's what
21 I am trying to get at here is to be able to let us
22 understand how we got where we are today.

23 MS. HANSEN: What if the agency would -- I
24 guess this is me -- try to commit to look at your upcoming
25 agenda items and if we feel there were some recommendations

1 that we can find that either support or discuss previous
2 motions on your part? We will try to include those in your
3 package of background information. And just don't hold me
4 to making sure we find every one of them because I'm not
5 sure it's really possible to go back that far.

6 MR. BETTERLY: Things change so much I don't
7 know how you can go back that far. Things change. We have
8 different information each time.

9 CHAIRMAN KEMPER: I think -- and I would
10 agree that the history is good if it's readily available. I
11 don't want to see a huge expenditure of man-hours doing
12 something that Gerry provides by being here. And I'm sure
13 he will continue to commit by being here. And I think Paul
14 will support me, but those of us that are in business, we
15 take recommendations and we make decisions every day. And a
16 few days or a week or month or year later we find out they
17 were the wrong decision and we make another decision.

18 MEMBER SMITH: I support that.

19 CHAIRMAN KEMPER: So I don't know that old
20 decisions are completely relevant with new information that
21 we receive today. But the history is certainly good.

22 MS. HANSEN: We will do our best to provide
23 you what we can find if that will help. It's 2 o'clock. We
24 want to round up on this so we can keep you on time. And I
25 guess the only other -- if you will look at what Tony has up

1 there. We still have some stuff up there in terms of future
2 issues and activities.

3 There is one thing I would like to throw out
4 to the Advisory Council for their consideration. We are
5 looking at doing a process of making consistent sorts of
6 norms to follow, protocols to follow in signing of routes.
7 It's not only an issue for the CDCA, it's an issue for
8 California as a whole. And we were asking, I guess, at this
9 point whether or not, as you would want to, some of you
10 would want to work in a small group TRT fashion on that kind
11 of a project with us.

12 It's fairly quickly starting and would require
13 your time. The group will include others, including some
14 folks from our state office, other interests that also, you
15 know, use the area back there, that rely on our route
16 markings to tell them where they were out there. Anyone who
17 has an interest will be the people we want to talk to. I
18 just throw that out to the Council if there is someone on
19 the Council with an interest in helping us with that.

20 CHAIRMAN KEMPER: Jeri had to leave this
21 afternoon, but she thought this might come up for
22 discussion, and she did volunteer. I don't know if anybody
23 else would like to. Jeri wants to volunteer.

24 MEMBER SMITH: Would this be signage all the
25 way up to approval by Caltrans on major highways and signing

1 within dirt roads and things like that?

2 MS. HANSEN: Well, starting with the concept
3 that this is going to be our route designation signing.
4 Now -- so I'm not sure we will get all the way up to
5 Caltrans route signing or not. I guess it depends on how
6 the group works and where.

7 But what we run into is just within even the
8 desert areas, it has been brought to our attention more than
9 once. You visit one area and it's signed one way. And you
10 visit another area, and it's signed another way. And that
11 becomes very confusing. We also sign routes differently
12 than the Forest Service, yet you will drive right off of the
13 BLM onto the Forest Service lands. So we're trying to come
14 up with some norms that will be able to help us be able to
15 display the routes to the public. Also display on maps and
16 so on so they know what to look for. It's an effort to try
17 to get ourselves collectively together, and sometimes that's
18 not easy.

19 MR. BETTERLY: I hope you don't think you are
20 going to get Caltrans to sign all nine divisions the same
21 way, because Area 3 in the north sure signs nothing like
22 they do in the south.

23 MS. HANSEN: Again, I don't control Caltrans.

24 CHAIRMAN KEMPER: I think usually on TRTs we
25 have at least two members, and we try to represent diverse

1 groups. Is there anybody that would be interested in
2 participating?

3 MEMBER ELLIS: How much time do you think
4 this is going to take? I have an interest. I've been
5 involved in several different areas around the state in
6 off-road vehicle route designations situations.

7 MS. HANSEN: We are going to have sort of a
8 jumping off session on the 17th of July. That maybe will
9 help us begin to define that scope. I don't know how many
10 meetings or whatever it's going to take. There obviously
11 already are some models out there we can look at. It might
12 not be that big of a deal, although it certainly is
13 something I think that would add to our ability to manage.

14 MEMBER ELLIS: I can volunteer for that, Ron,
15 and be a second person and see what happens.

16 CHAIRMAN KEMPER: Okay.

17 MEMBER SMITH: I will be happy to volunteer
18 also. I will bring you a tourism perspective.

19 MS. HANSEN: A tourism perspective would be
20 wonderful.

21 CHAIRMAN KEMPER: So we have off-road
22 community, Jeri Ferguson; Bob Ellis from the environmental.
23 And Paul Smith from business. Right?

24 MEMBER SMITH: Public-at-large. For this
25 purpose, it's tourism. That would be my focus to make sure

1 that it's sympathetic to what a tourist would want. From my
2 perspective representing the public-at-large would deal with
3 making these signs friendly and good for tourism.

4 MS. HANSEN: I think that's it, and we are
5 pretty close to on time.

6 CHAIRMAN KEMPER: Roy.

7 MEMBER DENNER: One issue that's not on that
8 list, we had requested that when the statistical reports are
9 completed on the desert tortoise that we were told about,
10 that we would be provided copies.

11 MS. HANSEN: Okay. Sure.

12 CHAIRMAN KEMPER: Just a question for
13 clarification. I'm assuming this statistical report that
14 you are talking about is not completed at this time?

15 MEMBER DENNER: We were told yesterday by the
16 desert biologist, that tortoise biologist that gave his
17 report, that they are basically complete and have been
18 printed. They are just not ready for dissemination yet, so
19 I would expect within a couple of weeks they would be
20 available to us.

21 CHAIRMAN KEMPER: Would it be a reasonable
22 request for you to have those out to the Council in 30 days?

23 MS. HANSEN: Well as Ed said, they were going
24 through the review process. I don't know what the time
25 frame is on that, Roy, so I'm not sure when they are going

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1 to be ready.

2 As I told you at the Oversight Group, they had
3 some of those same people that Ed was talking about working
4 on compiling that data and stuff. I don't think they were
5 anticipating having anything back to the MOG until
6 September. I'm not sure how soon. I will check again with
7 Ed about the reports he was telling you about, and we will
8 give them to you or at least let you know somewhat better
9 what the time frame is. But I can't say they will be ready
10 in two weeks. I don't know.

11 CHAIRMAN KEMPER: The question was did you
12 think 30 days would be reasonable, but you don't know?

13 MS. HANSEN: I don't know.

14 CHAIRMAN KEMPER: While we are on the
15 subject, we had talked yesterday about Kristin Berry's
16 report and that the Council had requested copies of those
17 reports at the last meeting, which has been six, seven
18 months ago, and we still haven't received more -- received
19 an answer that we are going to have them, even though it was
20 requested by the whole Council to have them. Do we have a
21 problem in receiving those reports, or has it just slipped
22 through the cracks?

23 MS. HANSEN: I don't know, but I made myself
24 a note yesterday to check on it.

25 CHAIRMAN KEMPER: Okay. Okay. Any other

1 comments? Bob.

2 MEMBER ELLIS: I had requested that a couple
3 more items on wilderness be on the agenda next time. You
4 and I can talk about that before, that's fine, but I wanted
5 to be sure we didn't forget that.

6 CHAIRMAN KEMPER: I think we are moving on
7 now to -- we are going to be talking on the agenda. My
8 understanding was that one of the first things was going to
9 be the wilderness. And I think there was some discussion
10 about having the representative or at least a representative
11 from their office. And what else did you have in mind, Bob?

12 MEMBER ELLIS: Well, I thought it was an
13 opportunity to have someone talk about what wilderness is
14 legally, and also, you know, in more ways than just legally.
15 A representative that promotes wilderness in that sense and
16 has a little history of what wilderness has meant in this
17 country in the last 35 years.

18 And then I also thought that it would be worth
19 having a report on wilderness management in the desert and
20 have sort of a summary report over the last eight years on
21 where things stand since we are tackling that issue. And
22 then, of course, however we want to work on presentation of
23 the Boxer Bill.

24 CHAIRMAN KEMPER: Just to clarify what you
25 are asking for. Are you looking for somebody from the

1 bureau to talk about wilderness? Or do you have somebody in
2 mind that you want to bring from the outside.

3 MEMBER ELLIS: Probably both. Yeah. I know
4 we have a good person in the bureau that can do some of
5 that. And I can talk to you about that in terms of
6 possibilities for the agenda. But I am just trying to
7 get --

8 CHAIRMAN KEMPER: That's fine. And for
9 everybody on the Council, I will want to resolve this thing
10 in the next 30 days so we can build a time line that's
11 reasonable for everybody to get through the meeting and have
12 an ample opportunity to communicate.

13 Is there any more thoughts from the Council at
14 this time about items that they would like on the next
15 agenda?

16 MEMBER SMITH: I would love to go back to the
17 wilderness thing. What are the best available maps that
18 exist with respect to these proposed wildernesses? Does
19 anybody know?

20 MEMBER ELLIS: Well, I mean, I know a couple
21 people who have a couple of versions of the latest map. And
22 as I understand it right now, there is a map available on
23 the California Wild Heritage website that is pretty much the
24 latest map for those areas in the desert that are proposed
25 for wilderness. So one source is to look on that and

1 download the maps.

2 I don't see why the BLM could not also do that
3 and send us a copy for those of us who maybe can't get it
4 through the Internet. But there is certainly a desert
5 wilderness person, Chris Roholt, who has access to pretty
6 much the same information as well. And he ought to be able
7 to give us something.

8 MS. HANSEN: In defense of Chris, he just
9 thought those maps were so horrible that you can't really
10 see anything on them, Bob. So that's why you didn't have
11 them now. So we will do what we can to improve on that for
12 you for your meeting.

13 MEMBER ELLIS: Well, if you have a problem, I
14 can get you in touch with people who made the proposals, and
15 we should be able to work out what they are. Somebody knows
16 this.

17 MS. HANSEN: I will have Chris call you.

18 CHAIRMAN KEMPER: Linda, am I to understand
19 that the BLM is not involved in the mapping process of the
20 wilderness?

21 MS. HANSEN: That's correct.

22 CHAIRMAN KEMPER: The wilderness that
23 currently is under BLM's management district?

24 MS. HANSEN: Yes.

25 CHAIRMAN KEMPER: Have you been consulted

1 about where the lines should be?

2 MS. HANSEN: There have been some
3 representatives who have visited with various offices
4 throughout California talking about administrative things
5 that we know exist out there. They have also made contacts
6 with other jurisdictions. But we have not worked with them
7 in developing this proposal. This is their proposal.

8 CHAIRMAN KEMPER: So no archeological studies
9 and interests?

10 MS. HANSEN: Other than what they get with
11 visiting with folks, no. I'm not aware of any. And this is
12 one of the reasons why I would like to bring somebody in who
13 has been involved in that process so they can tell you what
14 they have done in looking at the proposal.

15 CHAIRMAN KEMPER: Would you like to be
16 involved in the process?

17 MS. HANSEN: We are not allowed to be, you
18 know. Not from that perspective. Generally, we don't get
19 involved in the crafting of legislation specifically like
20 that.

21 CHAIRMAN KEMPER: I guess what I am saying by
22 your being involved -- being involved in the process is I
23 would think that our managers would have a pretty good idea
24 what should be wilderness and what shouldn't be wilderness.

25 MS. HANSEN: I'm going to ask Tony to kind of

1 fill you in on what has been happening from the State's
2 perspective.

3 MR. DANNA: Right. At the state level we
4 have discussed, do we want to take a position on this? And
5 we have been informed by Washington, D.C., we have not
6 established our position. We don't know what it is, so the
7 administration has chosen not to have a position on it.

8 What Linda is talking about, if they come in
9 and ask us technical information, "Is there a site in this
10 area we are concerned about?" then we can express that.
11 Usually that comes directly from our plans. I don't think
12 as far as anyone in the State of California BLM has
13 established a preference or any sort of position on this.

14 CHAIRMAN KEMPER: The only reason I mention
15 it, as a livestock producer, I think I already have two
16 wildernesses on our ranch and we are looking at a third one.
17 And the two existing wildernesses probably have more roads
18 and access points and fence lines and mines, and they
19 certainly don't appear to be wilderness to me. They don't
20 make it terribly difficult for a livestock producer, because
21 we still have some access to maintain facilities, but it
22 doesn't appear to be completely appropriate for the public
23 to be excluded from those areas that have been historically
24 well-traveled and developed areas. Thank you.

25 MEMBER ELLIS: Ron, could I -- one more

1 thing?

2 MEMBER ELLIS: I'm not familiar with all the
3 proposals in the bill, but I am familiar with those that are
4 in the central part of the Mojave Desert. Those are all
5 WSA's that have been studied by the BLM, and the BLM did
6 make those reports available in 1991, along with all the
7 other wilderness study areas. So there has been some, I
8 would say, minor changes as far as I know around the
9 boundaries of those existing wilderness study areas. And so
10 that is certainly something that needs to be looked at.

11 But in terms of the overall study, the BLM
12 does have that information.

13 MEMBER RISTER: If I might add to what Bob
14 has just indicated, I know in Imperial County the BLM did an
15 initial study of all the wilderness study area as to their
16 suitability for designation as wilderness or not. And the
17 way the bill was finally passed, several or many of the
18 wilderness study areas that BLM recommended not suitable for
19 wilderness were actually made wilderness. And at that time
20 the BLM staff were somewhat put under a muzzle order and
21 told they could answer questions and provide specific input
22 when asked, but not to make any further recommendations as
23 to whether they are suitable or not for wilderness.

24 CHAIRMAN KEMPER: Okay. Any more comments?
25 Roy.

1 MEMBER DENNER: You are still looking for
2 agenda items? Are you doing wilderness?

3 CHAIRMAN KEMPER: Actually, I was still
4 looking at wilderness, but I think we ought to move on if we
5 can. Do you have something that you wanted to talk to?

6 MEMBER DENNER: I mentioned yesterday or this
7 morning that the OHV community has hired a biologist to
8 assimilate the material on the flat-tailed horned lizard. I
9 would be willing -- and we expect that study to be out by
10 the time of the close of the public input, which I believe
11 is July 29th. So that information should be available at
12 the next meeting, and I said I would be happy to bring
13 whatever report he comes up with. At the Council's
14 discretion, if you would like, I can approach him and ask
15 him to come to our next meeting and give us a report on what
16 he found regarding the lizard. I can't guarantee that he
17 will accept that request, and I would also ask who would be
18 paying the bill if we do decide we want him?

19 CHAIRMAN KEMPER: You. I think we had
20 discussed having reports made to the Council provided from
21 special interest groups. And I think the Council will be
22 open to that. I have also been approached by a couple of
23 the county representatives that they would like to give
24 economic reports at the next meeting. And I think we will
25 have to discuss with them how much time it will take, but

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1 it's something that the Council should consider listening
2 to. Ilene.

3 MEMBER ANDERSON: Well, since we are an
4 Advisory Council, I always have interest to hear what the
5 BLM would like advice on. And I know I sort of put Greg on
6 the spot yesterday with regards to what -- if he needed any
7 advice from us on issues. And I meant to grill the rest of
8 the field managers as well, so I'm sorry that I didn't
9 follow through with that.

10 But I think that that could also be helpful to
11 the Council from your perspective what you might like input
12 on. And I know Greg and I sort of discussed that off-line,
13 but I would love the opportunity for you to share that with
14 the rest of the Council, as well. And any of the other
15 field managers that are here.

16 MR. THOMSEN: I was up all night thinking
17 about this.

18 MEMBER DENNER: The train kept you awake.

19 MR. THOMSEN: I think that the Council could
20 help a lot on outreach. How can we reach out? Because I
21 think you all have a lot of different strategies and ideas
22 and ways to do that. And it's something that Paul is sort
23 of alluding to as well. And he informed me he is on the
24 board of the California Institute of Public Affairs, so
25 that's something that I think would help quite a bit.

1 CHAIRMAN KEMPER: Are there any other area
2 managers that are looking for specific areas of help?
3 Hector.

4 MR. VILLALOBOS: As you all know, I want to
5 do something on June the 30th, 2003, and that's open up the
6 Rands routes again. And we are wanting to launch an
7 education program in order to do that. And we want to tie
8 this education program perhaps to something similar to what
9 they are doing in the dunes with the issuance of a pass.
10 You get educated on the Rand routes, those that are open for
11 use and those that are not, and to kind of try and help get
12 a higher level of compliance in that area.

13 So I'm looking for advice on what should we be
14 doing to make sure. I have named a few things like safety.
15 I think that's a very critical component to get educated on
16 folks in our area who are using the area. They run out of
17 gas. They are out there without water. Some of the basic
18 fundamentals of taking some precautions. They don't have a
19 map. They get lost. They don't know where their
20 campgrounds or camping areas are.

21 Anyway, I would like some advice, perhaps, on
22 what we should include as a package in this education
23 program and how to link it. I want to link something --
24 this pass that we want to do -- to law enforcement. If you
25 use the area and get educated, you get a pass. If you use

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1 the area and you don't have a pass, that might be a law
2 enforcement issue that we can then take action on.

3 Anyway, I would like to see what suggestions
4 we can get on developing and implementing this program, too.
5 That's another real important component. What partners are
6 out there can we join up to help us implement this. I think
7 there is a few I would like to include, Friends of Jawbone
8 and CORBA, perhaps, but there might be others. Do you have
9 any ideas on how we might implement this program? Somebody
10 suggested computer. We can put it on a website. We can put
11 a video together. You folks can help us make sure we cover
12 the bases.

13 CHAIRMAN KEMPER: Thank you. Molly Brady.

14 MS. BRADY: I wasn't going to say anything,
15 but I had to come up here just to say that I also support --
16 I stayed up all morning, believe it or not, thinking about
17 this. And I really support what Greg said with respect to
18 having some input from you.

19 However, I would just like to expand upon it.
20 I would prefer that it not just be sort of you guys coming
21 here with some thoughts in your head and sort of, here's
22 what we think you ought to do in improving your procedures.

23 I really would recommend -- and I know there
24 is -- I said this before, that perhaps a subgroup could get
25 together to talk about procedures and how we could be more

1 effective. I think both, with respect to what Greg was
2 saying, with respect to public outreach and involving the
3 public. But also on procedures and planning.

4 I talked a little bit with Dennis at lunch
5 about this, and I know he has some very strong opinions.
6 And I think that he would be a good one to be on a group
7 like that to talk about how we could be more effective
8 procedurally in our planning process and our utilization of
9 science and data, because obviously, we have been working on
10 these plans a long, long time. And that's not quite right.
11 So --

12 CHAIRMAN KEMPER: I think that's advice well-
13 taken. Dennis, do you have an interest in being involved in
14 a TRT that would deal with those interests?

15 MR. CASEBIER: Well, over lunch.

16 CHAIRMAN KEMPER: I'm sure that we can have
17 lunch delivered.

18 MR. CASEBIER: I would spend some time on it.
19 I live a long ways out, you know.

20 MS. BRADY: They should come to your place.

21 MR. CASEBIER: They can come to my place.

22 CHAIRMAN KEMPER: Your place isn't that far
23 away from Nipton, where we had the last meeting.

24 MR. CASEBIER: I think it's a very important
25 thing. I don't know what the payoff might be. But I think

1 BLM very badly needs to rethink how they do business. How
2 they make use of a committee like this.

3 I heard Roxie say this morning we have been
4 using this process for 25 years, whatever it was. Well, we
5 really haven't done very good in the last 25 years, you
6 know. If you are working on a plan for ten years now,
7 that's pretty sad. And then you wind up with one that
8 nobody can agree on and everybody goes to court right
9 afterwards.

10 So I would say it would be valuable for BLM to
11 rethink how they plan and how they make use of a committee
12 like this. We are not really being very effective. I
13 thought last meeting was a real good test. We came up with
14 all these golly-gee resolutions. And Jeepers, we were clear
15 down there in El Centro and I was so excited I drove all the
16 way home late at night thinking about it. And then none of
17 them went anywhere. So you can't conclude from that simply
18 that BLM is a bunch of bad guys, although it looks that way
19 on the surface.

20 MEMBER BETTERLY: I think we can conclude
21 that. But it really should suggest to our minds that we
22 might not be doing business right.

23 CHAIRMAN KEMPER: Can I take that as a yes?

24 MEMBER CASEBIER: To do what? I told you
25 everything I know about it.

1 CHAIRMAN KEMPER: To participate in a TRT.

2 MEMBER CASEBIER: I would participate in
3 something like that that had to do with examining the
4 mechanisms that BLM uses to do business.

5 CHAIRMAN KEMPER: Is there anybody else on
6 the Council that would like to volunteer some time?

7 MEMBER LEIMGRUBER: Time? What is that?

8 MR. CASEBIER: That will make it a lot
9 easier.

10 CHAIRMAN KEMPER: Usually we have at least
11 two and hopefully three.

12 MEMBER BETTERLY: I wouldn't mind, Ron,
13 myself, but I really don't have the time to run to Dennis'
14 place and down to Molly's. Time is so short with me. I'm
15 on too many committees, but I'm extremely interested in
16 exactly what Dennis has said. And I think we should take a
17 look at it. If we could do it in Riverside, that would make
18 a hell of a travel for Dennis, but it would be easy for me.
19 If we could do it at Dennis's so he doesn't have to travel
20 and I do, it's tough.

21 CHAIRMAN KEMPER: I think it's going to take
22 you guys more than one meeting. Is there anybody else?
23 Ilene, you are the member of the longest standing. Is this
24 something that has an interest for you to help with
25 procedures that would expedite making plans and that sort of

1 thing?

2 MEMBER ANDERSON: I think it's really an
3 important and interesting TRT. I guess my concern is the
4 time line on it, because as you know, I will finish out my
5 term this year and won't be reappointed.

6 CHAIRMAN KEMPER: I would hope that we would
7 be done by the end of the year and have some things that
8 would be beneficial. That would be your intent, wouldn't
9 it, Dennis. You don't intend to take 20 years, do you?

10 MR. CASEBIER: It turns out my term expires
11 also.

12 MEMBER SMITH: I would like to remind these
13 two folks who are retiring that you don't have to be on the
14 DAC to participate in a TRT.

15 CHAIRMAN KEMPER: That's correct. Ilene, you
16 did tell us since it had been a dry year, you had more time
17 to yourself.

18 MEMBER ANDERSON: Well, certainly I am very
19 open to participate being on it. Logistics is an issue, of
20 course, but with the miracle of modern science called
21 e-mail, there may be an opportunity to at least start the
22 dialogue there and finish it up with some face-to-face
23 meetings.

24 MEMBER BETTERLY: That lets me out. I don't
25 even have a computer to turn on, and I'm not going to get

1 one.

2 CHAIRMAN KEMPER: I have one. I'm thinking
3 about retiring. Would you like a gift?

4 MEMBER BETTERLY: No.

5 CHAIRMAN KEMPER: If we could get a third
6 person, that would be very helpful, I believe. Are you
7 going to participate on that, as well? .

8 MEMBER SMITH: Yes.

9 CHAIRMAN KEMPER: And Paul Smith.

10 MEMBER CASEBIER: What do you think the
11 product of this TRT is?

12 CHAIRMAN KEMPER: I'm sorry?

13 MEMBER CASEBIER: What's the product of this
14 TRT?

15 CHAIRMAN KEMPER: As I understand it, and
16 maybe I ought to let Molly explain it once again. But I
17 think it was to come up with some different procedures and
18 policies that would allow things to go in a more fluid
19 fashion and achieve things quicker.

20 MS. BRADY: Actually, Greg and I were talking
21 about the same thing but different. Both he and I would
22 like input from you on the outreach kind of process that we
23 use in dealing with the public. And I think that's part of
24 what Dennis is talking about. But Dennis is also talking
25 about our analytical approach and our planning process in a

1 the larger sense of how we do business. So I think that
2 really what we are asking for are two different things. If
3 one TRT can accomplish those, I think that would be
4 outstanding.

5 I would expect, though, that Steve Razo and
6 our office in Riverside would be involved in the aspects
7 having to do with the public and involvement of the public.
8 Am I characterizing this right? And then I would very much
9 like to be involved in any discussions having to do with how
10 we do business, how we make decisions, how we use science
11 and apply science, because that seems to be something that
12 all of you are constantly concerned with. How we use
13 science to make decisions. Does that help?

14 MEMBER BETTERLY: I think we meant up-to-date
15 science, not just science, because you have a lot that's
16 antiquated -- the bureau does.

17 MS. BRADY: I think it's how we use that
18 information also.

19 CHAIRMAN KEMPER: Go a head.

20 MEMBER ANDERSON: I see them as two very
21 different things too, so I would like to separate them out
22 because I think it would be more effective. I guess I would
23 also suggest the formation of yet another TRT, or we could
24 do it sequentially.

25 CHAIRMAN KEMPER: The one thing I would share

1 with you is we are talking about route designations and the
2 types of signs we use. And we have somebody from tourism on
3 that committee. And looking at it -- and I think that's
4 kind of an outreach to the public. And maybe that TRT could
5 take a little bit of time to address that portion of it.

6 MS. BRADY: It's your call. I agree. It
7 could. You could set aside some time at that TRT to talk
8 about how we involve the public, how we communicate and how
9 we effectuate our outreach. Because every single meeting I
10 have come to with the District Advisory Council, and I have
11 been coming to them since 1990, there has been a complaint
12 from either a member of the public or someone on the DAC
13 that they didn't get notice or they didn't know about
14 something or they have been put on a mailing list and didn't
15 get it. So I think this is a basic problem and that's one
16 of the issues I hear all the time. So I think it's
17 important enough to spend a good bit of time on it.

18 CHAIRMAN KEMPER: Did that answer your
19 question, Dennis? I don't think it did. Do you want to try
20 again?

21 MS. BRADY: You were talking about there was
22 a TRT already established for signing. Correct. And could
23 that TRT handle the outreach issue, which is what I will
24 call Greg's issue? And you are on that one also. And that
25 way how we could be more effective in our outreach and

1 public participation. That's one. The other issue is how
2 the decision making process, the planning process that we
3 use, how we use data and how we use it in making
4 decisions -- separate TRT. And I think that's what I was
5 talking about with Dennis.

6 CHAIRMAN KEMPER: So we have Dennis. Do we
7 have a third person that will serve on that TRT?

8 UNIDENTIFIED SPEAKER: Paul.

9 CHAIRMAN KEMPER: Paul.

10 MR. CASEBIER: Who was the second?

11 CHAIRMAN KEMPER: Ilene.

12 Just one question. With regards to the
13 economic analysis that the county is going to be providing,
14 do you guys want to provide that yourselves, your counties,
15 or do you want to do that through a TRT to save time? Is
16 there any position or direction that you have at this time?
17 Wally?

18 MEMBER LEIMGRUBER: We have been looking at
19 some of the socioeconomic impacts of some of the
20 restrictions. We have been working with our local chamber
21 of commerces. We do have an economic development commission
22 within our county. We can have that person come and share
23 with us some of these costs that they have identified. We
24 can agendize that and have that disclosed here at our next
25 meeting.

1 MEMBER BETTERLY: Speaking on that same
2 thing, how long would that take, Wally, for your person?

3 MEMBER LEIMGRUBER: Fifteen minutes.

4 MEMBER BETTERLY: Do you suppose that we
5 could coordinate one from Kern County, one from San
6 Bernardino County and have them all and let them take an
7 hour? Because I really think that economic impact is
8 something that this Council needs to look at.

9 MEMBER LEIMGRUBER: I concur.

10 CHAIRMAN KEMPER: Okay. So is it the wish of
11 the Council that we have the counties make a report and try
12 to hold that report to one hour at the next -- is one hour
13 sufficient?

14 MEMBER MC QUISTON: I'm not sure three months
15 is sufficient to put together a reasoned economic impact.
16 May be doable. I don't know until we actually have a chance
17 to look at it. I see Lorelei from Kern County needs to make
18 a statement with respect to that.

19 MS. OVIATT: Lorelei Oviatt, Kern County
20 Planning Department. Thank you.

21 I just wanted to point out that the West
22 Mojave Plan is doing an extensive socioeconomic analysis
23 which should be done by -- it has to be done by the time the
24 EIS goes out. Kern County is spending a lot of staff time
25 and time and effort attempting to accommodate that effort

1 and provide for that. So I would like to defer. We can do
2 one or the other. And I would like to say that I am
3 committed that the Bureau of Land Management socioeconomic
4 report for the West Mojave Plan for once accurately portray
5 the impacts on the communities. So I'm hoping this will be
6 a test case to see if the BLM can actually work with a
7 consultant to provide an accurate socioeconomic report,
8 which would be included in the draft in November.

9 CHAIRMAN KEMPER: Thank you.

10 MEMBER LEIMGRUBER: Mr. Chair, if I may, with
11 that said, if the September meeting would be too early
12 perhaps. If the December meeting would be the appropriate
13 time, and I see some heads shaking. So why don't we go
14 ahead and for future agenda, look at that in December's
15 meeting.

16 CHAIRMAN KEMPER: We can tentatively schedule
17 that for the December meeting if it's okay for everybody.

18 MEMBER SMITH: I think we want to hear from
19 Mr. Hillier.

20 MR. HILLIER: Well, all I wanted to add to
21 what Lorelei said, BLM is doing this in a number of areas.
22 And one area specifically where there is an economic
23 analysis, Fish and Wildlife Service is supposed to be doing
24 one for the carbonate endemic plants on the north side of
25 the San Bernardino Mountains, which is an industry that very

1 gravely affects San Bernardino.

2 MR. BETTERLY: Weren't they mandated to do
3 it, though?

4 MR. HILLIER: They have to do it as part of
5 critical habitat.

6 I can tell you that San Bernardino County
7 couldn't do this without going out with a special contract
8 and all. And to the extent that BLM is already doing this.
9 I think we should probably let the systems run rather than
10 try and do a TRT and try to bring in some other data. I'm
11 sure the counties can supply input into the ongoing efforts,
12 and we probably ought to leave that and get a look and see
13 what that assembles to.

14 CHAIRMAN KEMPER: Do you think the County
15 could report to this Council in December?

16 MR. HILLIER: I doubt it.

17 MEMBER DENNER: Mr. Chairman, I think this
18 socioeconomic impact is a very significant issue. And what
19 I am hearing is that Wally thinks Imperial County could have
20 something for us by our next meeting, and Jon thinks maybe
21 he could have something for us in what's going on in Kern
22 County in the meeting after that. And maybe somewhere
23 downstream we could get some information from San Bernardino
24 County. I'm thinking that it might be beneficial for Jon
25 and Gerry to hear what Wally has to say since he is ready

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1 and maybe build on that. And we would at least have a piece
2 of a feel for the magnitude of the socioeconomic impacts in
3 at least one of our counties by the next meeting.

4 MEMBER MC QUISTON: I have no objection with
5 that whatsoever. I do have one general comment, though,
6 contribution, and that is, if we are going to be out of here
7 at 3:00, when are you going to allow us to start making
8 motions?

9 CHAIRMAN KEMPER: As soon as you stop
10 talking. I will go ahead and talk with Wally and we will
11 try to give him some time to give us a report at the next
12 meeting.

13 And I will now open up the Council meeting for
14 motions.

15 MEMBER DENNER: Quick interjection.
16 Everybody realizes they are supposed to write out the motion
17 on the form provided; right?

18 MEMBER CASEBIER: Ron, I have that motion
19 that we kind of glossed over at the beginning here.

20 CHAIRMAN KEMPER: You want to read it?

21 MR. CASEBIER: I even have it written out
22 here.

23 That Roy Dennis be appointed communicating
24 secretary to receive written copies of all DAC motions and
25 compile same with voting record. This compilation to be

1 forwarded under signature of DAC Chair to all DAC members
2 and others as appropriate.

3 CHAIRMAN KEMPER: That is the motion as I
4 remember it, but I think we have already voted on it so I
5 don't know that we need a second vote.

6 MEMBER CASEBIER: We are going to pass it
7 down to you, and it shows who made the motion and seconded
8 it.

9 CHAIRMAN KEMPER: Thank you, Dennis.

10 MEMBER MC QUISTON: Are you now open to new
11 motions?

12 CHAIRMAN KEMPER: I am.

13 MEMBER MC QUISTON: I have two. One is very
14 brief and I will pass this to you.

15 That with respect to route designation, that
16 the standard of evaluation for benefit to the species of
17 proposed limitations or closures on a route be raised from
18 "likely" or "might benefit " to "will."

19 CHAIRMAN KEMPER: I have a motion. Do I have
20 a second?

21 MEMBER DENNER: I will second it.

22 CHAIRMAN KEMPER: Roy Denner is the second.
23 Any discussion?

24 MEMBER SMITH: I'm concerned about the level
25 of certainty which is in that resolution, which could

1 preclude effective decision making. So I would be basically
2 against the resolution in that form.

3 CHAIRMAN KEMPER: Let me ask the Council
4 members, because we are now making motions and seconds and
5 discussion, that you give your name to the stenographer so
6 we get an accurate record.

7 MEMBER MC QUISTON: Jon McQuiston. I
8 introduced the resolution. Basically, this goes back to the
9 presentation tomorrow and the decision matrix for the route
10 designation in the West Mojave Plan. And when you get to a
11 certain point, a question was posed, is this activity either
12 likely to or it might improve conservation.

13 The rationale behind my motion is very simple.
14 Under FLPMA, if we are going to take away congressionally
15 protected activity, it has to be for something higher than
16 simply the term "likely" or "might." The activities that we
17 rely on for recreational and economic activity in Kern
18 County rely on access to the desert region. And we are
19 committed to species conservation. But when we are going to
20 take away a route designation that affects our stream of
21 commerce, it has to be based on something higher standard
22 than closing this road "might" or "is likely" to enhance
23 conservation. We believe a higher standard is warranted.

24 CHAIRMAN KEMPER: Any further discussion?

25 MR. CASEBIER: Dennis Casebier. I tend to

1 agree with the resolution as stated. And I will agree with
2 Paul Smith to a degree. He said it might preclude effective
3 decision making. I think it might preclude decision making,
4 but not effective decision making. It will keep us from
5 making ineffective decisions.

6 CHAIRMAN KEMPER: Bob Ellis.

7 MEMBER ELLIS: I am wondering if someone here
8 from the BLM or someone with technical knowledge of the
9 Endangered Species Law would let us know what the standard
10 is with respect to implementation of aspects of the
11 Endangered Species Law. My understanding is that at this
12 point, the BLM is required in most situations to give the
13 benefit to the species where we have certain ambiguity in
14 the statistical information or the scientific information.
15 That's a question I would hope that someone here could
16 answer. And it's pretty fundamental to a lot of the stuff
17 we are reacting to.

18 MEMBER MC QUISTON: If there is ambiguity, I
19 think the motion would help to clear that up. Because here
20 is a decision matrix. If you say closure of this road will
21 enhance conservation, now you have a benchmark. Because
22 once you close it, you should start monitoring it. And over
23 a period of time you can determine through monitoring
24 whether or not this action really did or really did not have
25 any bearing whatsoever on the species.

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1 As long as you leave it "might" or "likely,"
2 if you close that road, then you will never know the answer
3 whether there is any relationship whatsoever to the
4 management action and trying to recover the species. This
5 is not unreasonable. You are going in with your best
6 science. You are giving the tie goes to the runner. You
7 are just saying we believe it will. Now, once you close
8 that road, there should be an obligation to go back and
9 monitor, to follow up and to see if, in fact, there is a
10 relationship between the route designation and recovered
11 species.

12 (Applause from the audience.)

13 MEMBER ANDERSON: I have several concerns
14 about that route designation matrix. And basically, because
15 this is only one of the problems with that, I'm not sure
16 that this will completely address all of my concerns which
17 relate to the fact that even if there is -- let's see. I
18 need to think about this, how to phrase this. So I will
19 defer the rest of my comment to someone else's first.

20 CHAIRMAN KEMPER: Let's make sure that we
21 stay on point as to what the motion is. Does anybody else
22 have any discussion to this motion?

23 MEMBER SMITH: I do, Mr. Chair.

24 CHAIRMAN KEMPER: Paul Smith.

25 MEMBER SMITH: Paul Smith. There could be

1 other reasons for route closure that are unrelated to
2 conservation of sensitive species. They could be cultural.
3 They could be closures due to multiple routes. Therefore, I
4 would think that this motion should be limited to those
5 route closures which are based upon conservation of
6 sensitive species.

7 MEMBER MC QUISTON: I have no difficulty with
8 that. It's conservation of the species that's forcing
9 virtually all the route designation.

10 CHAIRMAN KEMPER: I believe the motion -- I
11 will read the motion again so we don't get off track. That
12 the standard of evaluation for the benefit to the species a
13 proposed limitations or closures on a route be raised from
14 "likely" or "might" benefit to "will."

15 MR. BETTERLY: Call the question.

16 MEMBER DENNER: Second except to the
17 modification to the motion.

18 CHAIRMAN KEMPER: All in favor? Any
19 opposed?

20 MEMBER SMITH: I'm opposed.

21 CHAIRMAN KEMPER: Paul Smith. What I would
22 like for the record is --

23 MEMBER ANDERSON: Ilene Anderson, abstention.

24 CHAIRMAN KEMPER: For the record, the people
25 who are in favor and the ones that were opposed and the

1 abstentions.

2 MEMBER MC QUISTON: Mr. Chairman, we are
3 running out of time. What I would like to do is submit for
4 the record a resolution that I would like to see on the next
5 agenda because there won't be ample time to discuss it, and
6 it's one that I think requires some reading. I would like
7 to read it into the record, and then my motion would be
8 submitted to you, and that it be placed on the next
9 meeting's agenda for consideration.

10 MEMBER SMITH: I second that motion.

11 CHAIRMAN KEMPER: Okay.

12 MEMBER MC QUISTON: I would like to, with
13 your concurrence, read it.

14 We recognize that reviewing the recovery plan
15 is under the purview of the Fish and Wildlife Service; and
16 we recognize the BLM is under court agreement to reach
17 Records of Decision on the plans in the next year; we
18 therefore recommend to BLM that they frame decisions that
19 reflect factual, prioritized, and data-supported actions
20 which will have an effect on the priority threats which are
21 negatively affecting listed species.

22 Specifically, No. 1, the plan must deal with
23 and reduce predation. No. 2, the plan must deal with
24 disease, including strategies to reduce or eliminate those
25 that are negatively affecting tortoises. No. 3, the plan

1 may make decisions, but BLM should defer implementation
2 which negatively affect resource users in the units until
3 the efficacy of removal or restriction on recovery is
4 determined and the review of the recovery plan is complete.
5 No. 4, the BLM evaluate and document in and adjacent to all
6 the units the effects or trend in populations of wilderness-
7 and park-preserved designations and the subsequent
8 exclusions and removals of users. No. 5, the BLM not close
9 areas to grazing until the efficacy of species from earlier
10 closures and removals have been determined.

11 I would like to submit that for the record.

12 CHAIRMAN KEMPER: Thank you, Jon.

13 MEMBER BETTERLY: I don't believe that needs
14 a motion. I think that would be accepted by the Council.

15 MEMBER MC QUISTON: I would like that on the
16 agenda, and that requires a motion.

17 CHAIRMAN KEMPER: If I can have a motion to
18 have this on the agenda at the next meeting.

19 MEMBER MC QUISTON: So moved.

20 MEMBER LEIMGRUBER: Wally Leimgruber seconds.

21 CHAIRMAN KEMPER: Any discussion? Hearing
22 none, all in favor, aye? Any opposed? Any abstentions?
23 Motion carried unanimously.

24 Do we have anybody else that has a motion they
25 would like to make at this time?

1 MEMBER DENNER: Mr. Chairman -- Jon, would
2 you give me that write-up so I can get the verbiage from it?

3 MEMBER MC QUISTON: I gave it to the
4 chairman, and we didn't have an opportunity to get copies so
5 if he is comfortable with that.

6 MEMBER DENNER: Thank you.

7 CHAIRMAN KEMPER: Any other motions?

8 MEMBER BETTERLY: I will make one, but I want
9 to write it out.

10 CHAIRMAN KEMPER: Yes, go ahead.

11 MS. HANSEN: I don't make motions to the
12 Council, but what I would like to address is part of the
13 resolutions that came to the BLM out of your December
14 meeting. What I would like to offer to the Council, if they
15 so choose, is to carry forward the resolution regarding
16 consideration of mitigation for loss of use to OHV activity
17 in particular through to the plans that are currently under
18 scoping and in draft form. So that I guess what I would say
19 is that we are still in process of looking at that
20 particular resolution. And we will see if there are ways
21 that we can address that in these plans in terms of
22 mitigation. So just carrying that forward. I don't think
23 you have to have a new resolution for that. I think it's
24 just an offer for us to carry it forward in other plans.

25 CHAIRMAN KEMPER: While I've got you on the

1 spot, at the same meeting we did talk about an alternative
2 for the NEMO/NECO plan which was presented by grazing
3 interests. And I very much realize it may not be your
4 preferred alternative, but after the man-hours, we would
5 like it to appear as an alternative in the NEMO and NECO
6 plan. I would certainly feel better if you could commit to
7 that at this time.

8 MS. HANSEN: Molly, you had mentioned earlier
9 that you knew what happened with that in terms of how that
10 played out, the alternative that the TRT put together and
11 the recommendation?

12 CHAIRMAN KEMPER: Let me clarify. We did
13 hear a report from the TRT. There was not a consensus, but
14 the grazing interests were required to give an alternative
15 at that meeting, which we did. And it was voted on and
16 asked to be included as an alternative in the NEMO and NECO.
17 That's my recollection; is that correct?

18 MS. BRADY: There was a resolution.

19 CHAIRMAN KEMPER: You need a mike, Molly.

20 MS. BRADY: There was a resolution to put on
21 hold for several years pending additional study. But what I
22 was talking about also was that the recommendations of the
23 TRT, a number of those recommendations were, in fact,
24 incorporated into NEMO and NECO. The modifications in the
25 language were incorporated. The allowance for experimental

1 management zones and grazing, that was incorporated. And we
2 eliminated the Clark Mountain burro herd management area.

3 So those three aspects of the TRT were in fact
4 incorporated. The proposal that was passed, the resolution
5 that was passed that asked to defer taking any action was
6 basically a recommendation to maintain no action pending
7 further study.

8 CHAIRMAN KEMPER: Actually, that's not quite
9 correct. What was recommended is that there be five-year
10 studies done on every allotment done by Mr. Avery, and that
11 adaptive management be used in the five-year interim, but no
12 immediate reductions in animal units until he had an
13 opportunity to study those allotments.

14 MS. BRADY: That was not incorporated, but
15 the opportunity for doing those studies is incorporated.

16 CHAIRMAN KEMPER: Once again, the grazing
17 interests are simply asking that this alternative appear in
18 NEMO and NECO. I'm not requesting of you that it be your
19 preferred alternative. But given the amount of time that
20 was spent and that we were challenged in coming up with it
21 and we did do it in a timely fashion, we would like our
22 alternative to at least appear.

23 MR. DANNA: Mr. Chairman, we have been asked
24 to leave at 3:00, so just make a note of that.

25 CHAIRMAN KEMPER: Are they here yet with the

1 keys?

2 MR. DANNA: No, sir.

3 MS. HANSEN: I guess what I was trying to do
4 was ascertain what the actual status of that was, Ron. We
5 will go back and take another look at that.

6 CHAIRMAN KEMPER: Okay. We will see if it's
7 something we can agree with.

8 Anything else before the Council? I will
9 entertain a motion to adjourn.

10 MEMBER BETTERLY: Second.

11 MEMBER LEIMGRUBER: So moved, Mr. Chair, that
12 we adjourn.

13 CHAIRMAN KEMPER: And Mr. Betterly has
14 seconded it. Any discussion? Hearing none, all in favor?
15 Any opposed? Motion carries.

16 (The proceeding was concluded at 3 p.m.)

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1 R E P O R T E R ' S C E R T I F I C A T E

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3 I, Judith W. Gillespie, a certified shorthand
4 reporter, do hereby certify that the foregoing pages
5 comprise a full, true and correct transcription of the
6 proceedings had and the testimony taken at the hearing in
7 the hereinbefore-entitled matter of June 29, 2002.

8 Dated this 19th day of July, 2002, at
9 Riverside, California.

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Judith W. Gillespie, CSR No. 3710

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